

**3745-27-62 Criteria for approval of an application for a registration certificate or for a permit to install for a scrap tire facility.**

(A) General criteria.

The director shall not approve an application for a registration certificate or for a permit to install for a scrap tire facility unless the director determines all of the following:

- (1) The establishment or modification and operation of the scrap tire facility will not violate Chapter 3704., 3734., or 6111. of the Revised Code.
- (2) The scrap tire facility will be capable of being constructed, operated, and closed in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code.
- (3) The applicant and the person listed as owner or operator of a scrap tire facility, or other facilities regulated under Chapters 3714. and 3734. of the Revised Code, is in substantial compliance with applicable provisions of Chapters 3704., 3714., 3734., and 6111. of the Revised Code, and any rules adopted and permits, registration certificates, and licenses issued thereunder, and has maintained substantial compliance, at all facilities regulated under Chapters 3714. and 3734. of the Revised Code, with applicable provisions of Chapters 3704., 3714., 3734., and 6111. of the Revised Code and with all applicable orders issued by the director, the environmental review appeals commission, or courts having jurisdiction in accordance with applicable law, 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 of a board of health maintaining a program on the approved list in Ohio and any other courts having jurisdiction.
- (4) The person listed as operator of the facility meets the requirements of division (L) of section 3734.02 of the Revised Code and rules adopted thereunder.
- (5) The scrap tire storage areas shall be constructed and managed to prevent any unauthorized discharge of runoff from a fire at the facility.
- (6) The applicant, except for scrap tire collection facilities, has submitted a financial assurance instrument in accordance with rule 3745-27-15 of the Administrative Code.

(B) Siting criteria for all facilities except scrap tire collection facilities.

The director shall not approve an application for a registration certificate or for a permit to install for a scrap tire facility unless the director determines the scrap tire handling area shown in the application is:

- (1) Not located within one thousand feet of the areas specified below in existence on the date of receipt of the application by Ohio EPA:
  - (a) A national park or national recreation area.
  - (b) A state park or an established state park purchase area.
  - (c) A candidate area for potential inclusion in the national park system.
  - (d) Any property that lies within the boundaries of a national park or national 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 does not apply if the applicant obtains a written agreement from the owner or the designated authority of the above areas to locate the scrap tire handling area within one thousand feet of the above areas. The agreement shall be effective not later than the issuance date of the registration certificate or permit.

- (2) Not located within one thousand feet from the boundaries of the following natural areas in existence on the date of receipt of the application by Ohio EPA:
  - (a) Areas designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state wild, scenic or recreational river area, including areas designated by section 1517.05 or 1547.81 of the Revised Code.
  - (b) Areas designated, owned, and managed by the Ohio historical society as a nature preserve.
  - (c) Areas designated by the United States department of the interior as either a national wildlife refuge or a national wild, scenic, or recreational river.
  - (d) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.
  - (e) Stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat and may include wetlands.
- (3) The facility shall not be located in a regulatory floodplain as defined in rule 3745-27-01 of the Administrative Code.
- (4) No scrap tire storage areas, located outside of an enclosed building, shall be located under bridges, elevated trestles, elevated roadways, elevated railroads, or electrical power lines having a voltage in excess of seven hundred fifty volts or that supply power to fire emergency systems.

(C) General setbacks for all facilities except scrap tire collection facilities.

The director shall not approve an application for a registration certificate or for a permit to install for a scrap tire facility unless the director determines the scrap tire storage areas located outside an enclosed building as shown in the application are:

- (1) Not located within one hundred feet of the facility property line or from buildings or structures not owned or leased by the owner or operator of the facility.
- (2) Not located within five hundred feet of a domicile not owned or leased by the facility owner or operator or within two hundred feet of a domicile owned or leased by the facility owner or operator, unless all scrap tire storage areas located outside an enclosed building are separated from any such buildings or structures by an earthen berm, or by a building or structure owned or leased by the facility owner or operator, at least one and one half times the maximum height of the scrap tire storage pile.
- (3) At least two hundred feet from surface waters of the state, including but not limited to a stream, lake, or wetland, or that all scrap tire storage areas located outside an enclosed building are separated from a stream, lake, or wetland by an earthen berm of sufficient height to control runoff from a fire at the facility.

(D) Additional criteria for a scrap tire collection facility.

The director shall not approve an application for a registration certificate for a scrap tire collection facility unless the director determines all of the following:

- (1) All scrap tires will be stored in portable containers only.
- (2) Only whole scrap tires will be collected or stored at the facility.
- (3) The total volume of scrap tires collected will not exceed five thousand cubic feet.

(E) Additional criteria for a class II scrap tire storage or recovery facility registration.

The director shall not approve an application for a registration certificate for a class II scrap tire storage or class II scrap tire recovery facility unless the director determines all of the following:

- (1) In the case of a scrap tire storage facility, only whole scrap tires will be collected or stored at the facility.
- (2) In the case of a scrap tire recovery facility, only scrap tires will be accepted for processing at the facility, unless other material is authorized by the director.
- (3) In the case of a class II scrap tire storage facility, the scrap tire storage area is ten thousand square feet or less in basal area.
- (4) In the case of a class II scrap tire recovery facility, the scrap tire storage area shall be limited based on the type of material stored as follows:
  - (a) Ten thousand square feet in basal area for whole, cut, baled, or rough shredded scrap tires. This is a combined maximum basal area for all of the materials listed in the preceding sentence.
  - (b) Ten thousand square feet in basal area for processed scrap tires which meet the definition of tire derived fuel (TDF) or tire derived chip (TDC) in rule 3745-27-01 of the Administrative Code. This is a combined maximum basal area for TDF and TDC combined.
  - (c) Ten thousand square feet in basal area for processed scrap tire products and by products not included above. This is a combined maximum basal area for all of the materials listed in the preceding sentence. For purposes of scrap tire storage at a scrap tire recovery facility, processed scrap tires include all by-products and all products manufactured from scrap tires, including but not limited to; crumb rubber, TDF, TDC, and assembled products while these products are stored at the scrap tire recovery facility.
  - (d) The above storage areas are additive, but the storage areas for the materials listed in paragraph (E)(4)(b) or (E)(4)(c) of this rule shall not be used to store whole, cut, baled, or rough shredded scrap tires.

(F) Additional criteria for a class I scrap tire storage or recovery facility permit.

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

- (1) The applicant meets the requirements of sections 3734.40 to 3734.47 of the Revised Code and rules adopted thereunder.
- (2) In the case of a scrap tire storage facility, only whole scrap tires will be collected or stored at the facility.

- (3) In the case of a scrap tire recovery facility, only scrap tires will be accepted for processing at the facility, unless other material is authorized by the director.
- (4) The owner or operator of a class I scrap tire storage facility which proposes to store scrap tires on an area which exceeds ten thousand square feet, but shall not exceed three acres, shall also own or operate either of the following to which the scrap tires stored at the storage facility will be transported:
- (a) A scrap tire monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code.
  - (b) A scrap tire monocell, monofill, or recovery facility, or any other solid waste disposal facility authorized to receive scrap tires, that is located in another state and is operating in compliance with the laws of that state.
- (5) For a class I scrap tire recovery facility, the scrap tire storage area shall be limited based on the type of material stored as follows:
- (a) Twenty thousand square feet in basal area of whole, cut, baled, or rough shredded scrap tires. This is a combined maximum basal area for all of the materials listed in the preceding sentence.
  - (b) Twenty thousand square feet in basal area of processed scrap tires which meet the definition of tire derived fuel (TDF) or tire derived chip (TDC) in rule 3745-27-01 of the Administrative Code. This is a combined maximum basal area for TDF and TDC combined.
  - (c) Twenty thousand square feet in basal area for processed scrap tire products and by products not included above. This is a combined maximum basal area for all of the materials listed in the preceding sentence. For purposes of scrap tire storage at a scrap tire recovery facility, processed scrap tires include all by-products and all products manufactured from scrap tires, including but not limited to; crumb rubber, TDF, TDC, and assembled products while these products are stored at the scrap tire recovery facility.
  - (d) The above storage areas are additive, but the storage areas for the materials listed in paragraph (F)(5)(b) or (F)(5)(c) of this rule shall not be used to store whole, cut, baled, or rough shredded scrap tires.
- (G) Additional registration denial criteria. The director may deny an application for a registration certificate for a scrap tire facility if within thirty days of receipt of notification that the application is incomplete, the owner or operator has not done one of the following:.
- (1) Notified the director, in writing that the application is being withdrawn.
  - (2) Corrected noted deficiencies and resubmitted the application.
  - (3) Submitted a written request for and obtained approval of a thirty-day extension.
- (H) Additional permit denial criteria. The director may deny any application for a permit to install for a scrap tire facility if within one hundred eighty days of the receipt of notification that the application is incomplete, the owner or operator has not done one of the following:.
- (1) Notified the director, in writing, that the application is being withdrawn.
  - (2) Corrected noted deficiencies and resubmitted the application.

- (3) Submitted a written request for and obtained approval of an extension for a specified time period.
- (I) The director may revoke a registration certificate or permit to install if the director concludes at anytime that any applicable laws have been or are likely to be violated.

Effective: 02/20/2015

Five Year Review (FYR) Dates: 11/17/2014 and 02/20/2020

CERTIFIED ELECTRONICALLY

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Certification

02/09/2015

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Date

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