

## 3745-400-15 Modifications and exemptions.

- (A) Facility modifications. The following shall be deemed a modification to a construction and demolition debris facility:
- (1) Any extension beyond the approved limits of debris placement specified in the valid operating license; or
  - (2) Any extension beyond the active licensed disposal area specified in the valid operating license; or
  - (3) Any other substantial change to the approved facility design plan contained in the valid operating license.

[Comment: The contents of the facility design plan are specified in rule 3745-400-07 of the Administrative Code. Changes to operational activities are not modifications, since the operational aspects of the facility change annually by means of the license review and approval process.]

- (B) Application for a modification. The owner or operator who desires to modify a facility shall make application for a specific facility modification at least ninety days prior to the proposed implementation date of the modification. The application shall contain sufficient detail so the licensing authority can understand the proposed change(s).

An application to laterally extend the limits of debris placement shall include a demonstration that the entire limits of debris placement (proposed and existing) meet the requirements of rule 3745-400-07 of the Administrative Code.

- (C) Criteria for modification approval. If the licensing authority finds that the modification is unlikely to adversely affect the public health or safety or the environment or create a fire hazard, then the licensing authority shall approve the modification.

[Comment: For ease in program implementation, decisions with respect to modification applications remain separate from decisions made with respect to license applications. This will allow an owner or operator to continue operations if a license application is approvable and issued, but a modification request is not approvable and is denied. Note that all denials are first issued as proposed actions of the licensing authority.]

- (D) Exemptions.

- (1) General exemption criteria. The licensing authority may by order exempt any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such circumstances that, in the determination of the licensing authority, are unlikely to adversely affect the public health or safety or the environment, or create a fire hazard, from any provision of Chapter 3745-400 or 3745-37 of the Administrative Code or Chapter 3714. of the Revised Code or order issued pursuant to either chapter, except for those circumstances stated in paragraph (E) of this rule.

[Comment: Guidelines for exemption criteria, including alternatives to ground water monitoring, are available from the Ohio EPA; and]

- (2) Floodplain exemption criteria. The licensing authority may grant an exemption from the one-hundred-year floodplain restriction stated in paragraph (B)(1) of rule 3745-400-06 of the Administrative Code if the licensing authority finds that the establishment of a new construction and demolition debris in the one-hundred-year floodplain would not result in an increase of more than one foot in the elevation of that flood stage of the watercourse upstream or downstream from the proposed facility.
- (E) The licensing authority shall not grant an exemption to paragraph (B)(2) of rule 3745-400-06 (sole source aquifer location prohibition) of the Administrative Code or to paragraph (F)(3)(c) of rule 3745-400-11 (asbestos) of the Administrative Code.

HISTORY: Eff 9-30-96

Rule promulgated under: RC Chapter 119.

Rule amplifies: RC 3714.02