



Ohio Revised Code

Section 3734.01 Solid and hazardous waste definitions.

Effective: October 3, 2023

Legislation: House Bill 33

As used in this chapter:

(A) "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.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, materials converted into a feedstock that replaces a raw material in a manufacturing process at an advanced recycling facility, materials used as a legitimate fuel at an advanced recycling facility, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or



placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air. When used in connection with solid waste, "disposal" does not include any of the following:

- (1) A disposition or placement that constitutes legitimate recycling;
- (2) A disposition or placement that constitutes storage;
- (3) A disposition or placement of scrap tires that constitutes a beneficial use or that occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code;
- (4) A disposition or placement of materials constituting a beneficial use authorized by a beneficial use permit issued under this chapter;
- (5) Advanced recycling or the storage of post-use polymers and recovered feedstocks prior to conversion through advanced recycling.

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

(H) "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 under division (V) of this section or section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or in a type of chamber or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.

(I) "Open dumping" means any of the following:

(1) The depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not any of the following:

(a) Licensed as a solid waste facility under section 3734.05 of the Revised Code;



(b) A legitimate recycling facility;

(c) An advanced recycling facility;

(d) If the solid wastes consist of scrap tires, licensed as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code.

(2) The depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code;

(3) The depositing of untreated infectious wastes into a body or stream of water or onto the surface of the ground; or the depositing of treated infectious wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code;

(4) The disposal of scrap tires in a trailer, vehicle, or building that is not licensed as a scrap tire collection, storage, monocell, monofill, or recovery facility.

(J) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919,



42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M)(1) When used in connection with hazardous waste, "storage" means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner;

(2) When used in connection with legitimate recycling of solid waste other than scrap tires, "storage" means the placement of solid waste on the ground prior to legitimate recycling for a period of less than ninety days provided all the following apply:

- (a) The solid waste remains retrievable and substantially unchanged.
- (b) The solid waste does not cause a nuisance.
- (c) The storage of solid waste occurs at a legitimate recycling facility.



(d) The storage of solid waste does not pose a threat from vectors.

(e) The storage of solid waste does not adversely impact public health, safety, or the environment.

(f) Prior to the end of the storage period of less than ninety days, the solid waste is lawfully disposed, beneficially used, or recycled in accordance with this chapter and rules adopted under it.

(3) When used in connection with scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code; processed at a scrap tire recovery facility licensed under that section or a solid waste incineration or energy recovery facility subject to regulation under this chapter; or transported to a scrap tire monocell, monofill, or recovery facility, any other solid waste facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of the state in which the facility is located.

(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(O) "Closure" means the time at which a hazardous waste facility will no longer accept hazardous waste for treatment, storage, or disposal, the time at which a solid waste facility will no longer accept solid wastes for transfer or disposal or, if the solid wastes consist of scrap tires, for storage or processing, or the effective date of an order revoking the permit for a hazardous waste facility or the registration certificate, permit, or license for a solid waste facility, as applicable. "Closure" includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including, but not limited to, the removal of processing residues resulting from solid wastes that consist of scrap tires; the establishment and maintenance of a suitable cover of soil and vegetation over cells in which hazardous waste or solid wastes are buried; minimization of erosion, the infiltration of surface water into such cells, the production of leachate,



and the accumulation and runoff of contaminated surface water; the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff, except as otherwise provided in this division; the final construction of air and water quality monitoring facilities, except as otherwise provided in this division; the final construction of methane gas extraction and treatment systems; or the removal and proper disposal of hazardous waste or solid wastes from a facility when necessary to protect public health or safety or to abate or prevent air or water pollution. With regard to a solid waste facility that is a scrap tire facility, "closure" includes the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff and the final construction of air and water quality monitoring facilities only if those actions are determined to be necessary.

(P) "Premises" means either of the following:

- (1) Geographically contiguous property owned by a generator;
- (2) Noncontiguous property that is owned by a generator and connected by a right-of-way that the generator controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.

(Q) "Post-closure" means that period of time following closure during which a hazardous waste facility is required to be monitored and maintained under this chapter and rules adopted under it, including, without limitation, operation and maintenance of methane gas extraction and treatment systems, or the period of time after closure during which a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code is required to be monitored and maintained under this chapter and rules adopted under it.

(R) "Infectious wastes" means any wastes or combination of wastes that include 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 all of the following:

- (1) Laboratory wastes;



- (2) Pathological wastes;
- (3) Animal blood and blood products;
- (4) Animal carcasses and parts;
- (5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such 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, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section.
- (6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;
- (7) 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.

As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes.

(S) "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.

(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus 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.

(U) "Solid waste 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 were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste disposal facility. "Solid waste transfer facility" does not include an advanced recycling facility, a legitimate recycling facility, or any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less.

(V) "Beneficially use" includes:

(1) With regard to scrap tires, 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 rules adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) With regard to material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material, to use the material in any manner authorized as a beneficial use in rules adopted by the director under section 3734.125 of the Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery," "motor bus," "vehicles," "motor vehicle," and "semitrailer" have the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, or in mining or producing or processing aggregates, and not designed for or used in general highway transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.



(AA) "Scrap tire collection facility" means any facility that meets all of the following qualifications:

(1) The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

(2) The facility exclusively stores scrap tires in portable containers.

(3) The aggregate storage of the portable containers in which the scrap tires are stored does not exceed five thousand cubic feet.

(BB) "Scrap tire monocell facility" means an individual site within a solid waste landfill that is used exclusively for the environmentally sound storage or disposal of whole scrap tires or scrap tires that have been shredded, chipped, or otherwise mechanically processed.

(CC) "Scrap tire monofill facility" means an engineered facility used or intended to be used exclusively for the storage or disposal of scrap tires, including at least facilities for the submergence of whole scrap tires in a body of water.

(DD) "Scrap tire recovery facility" means any facility, or portion thereof, for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires through a controlled combustion process, mechanical process, or chemical process. "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, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire retreading business,



tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored.

(EE) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to their transportation to a scrap tire monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

(FF) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities. "Used oil" includes only those substances identified as used oil by the United States environmental protection agency under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 U.S.C.A. 6901a, as amended.

(GG) "Accumulated speculatively" has the same meaning as in rules adopted by the director under section 3734.12 of the Revised Code.

(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.

(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code.

(JJ) "Post-use polymer" means a plastic to which all of the following apply:

(1) It is derived from any industrial, commercial, agricultural, or domestic activities, and includes pre-consumer recovered materials and post-consumer materials.

(2) Its use or intended use is as feedstock for the manufacturing of feedstocks, raw materials, other intermediate products, or final products using advanced recycling.



(3) It has been sorted from solid waste and other regulated waste, but may contain incidental contaminants or impurities, such as paper labels or metal rings.

(4) It is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility.

(5) It is processed at an advanced recycling facility or held at such facility prior to processing;

(6) It is not accumulated speculatively.

(KK) "Pyrolysis" means a manufacturing process through which post-use polymers or recovered feedstocks are heated in the absence of oxygen until melted and thermally decomposed, either noncatalytically or catalytically, and are then cooled, condensed, and converted into valuable raw materials, intermediate products, final products, including plastic monomers, chemicals, naphtha, waxes, or plastic and chemical feedstocks that are returned to economic utility in the form of raw materials and products.

(LL) "Gasification" means a manufacturing process through which post-use polymers or recovered feedstocks are heated in an oxygen-controlled atmosphere and converted into syngas, followed by conversion into valuable raw, intermediate, and final products, including plastic monomers, chemicals, waxes, lubricants, coatings, and plastic and chemical feedstocks that are returned to economic utility in the form of raw materials or products.

(MM) "Recovered feedstock" means one or more of the following materials that have not been mixed with solid waste or hazardous waste on-site or during processing at an advanced recycling facility and have been processed for use as a feedstock in an advanced recycling facility:

(1) Post-use polymers;

(2) Materials for which the United States environmental protection agency has made a non-waste determination or has otherwise determined are feedstocks and are not solid waste.

"Recovered feedstock" does not include unprocessed municipal solid waste and is not accumulated



speculatively.

(NN) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other recycled products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis, and other similar technologies. "Advanced recycling" does not include incineration of plastics or waste-to-energy processes. "Advanced recycling" is "recycling" as defined in section 3736.01 of the Revised Code.

(OO) "Recycled products" include products produced at advanced recycling facilities including, monomers, oligomers, recycled plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives. "Recycled products" does not include products sold as fuel.

(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling and that is subject to applicable agency regulations for air, water, waste, and land use. An "advanced recycling facility" is not a solid waste facility, a solid waste disposal facility, a solid waste management facility, a solid waste processing facility, a legitimate recycling facility, a solid waste recovery facility, an incinerator, or a waste-to-energy facility.

(QQ) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.

(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.

(SS) "Recycled plastic" means products that are produced from either of the following:

(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics;



(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system.

(TT) "Solvolysis" means a manufacturing process to make useful products through which post-use polymers are purified by removing additives and contaminants with the aid of solvents and are heated at low temperatures or pressurized. "Solvolysis" includes hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

(UU) "Useful products" means products produced through solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials.

(VV) "Third-party certification system" means an international and multi-national third-party certification system that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. "Third-party certification system" includes international sustainability and carbon certification, underwriter laboratories, SCS recycled content, roundtable on sustainable biomaterials, ecoloop, and REDcert2.

(WW) "Legitimate recycling facility" means any site, location, tract of land, installation, or building to which all of the following apply:

(1) It is used or intended to be used for the purpose of processing, storing, or recycling solid waste that was generated off the premises of the facility.

(2) Not less than sixty per cent of the weight of solid waste received in any nine months during a rolling twelve-month period is recycled monthly as shown by records, including invoices and contracts, maintained by the owner or operator of the facility.

(3) Receipt, storage, and processing activities do not cause a nuisance, do not pose a threat from vectors, or do not adversely impact public health, safety, or the environment, or cause or contribute to air or water pollution.

(XX) "Legitimate recycling" means processing, storing, or recycling of solid waste and returning the



material to commerce as a commodity for use in a beneficial manner, including as a raw ingredient in a manufacturing process or as a legitimate fuel that does not constitute disposal.