



Ohio Administrative Code Rule 3745-400-58 Processing facility operations.

Effective: April 18, 2022

(A) The owner or operator of a processing facility shall comply with this rule until final closure has been deemed complete in accordance with rule 3745-400-60 of the Administrative Code.

(B) Construction requirements for processing facility components. Prior to acceptance of construction and demolition debris, the owner or operator of a processing facility shall construct the processing facility in accordance with the facility design plan authorized in the permit to install and the following specifications:

(1) Construct and maintain roads to allow use in all weather conditions, withstand the anticipated degree of use, and allow passage of loaded vehicles with minimum dust generation or erosion. The owner or operator of a processing facility shall employ measures necessary to minimize the incidence of mud, dirt, and dust on public roads before vehicles leave the processing facility.

(2) For a processing facility with horizontal limits of construction and demolition debris processing within five hundred feet of an occupied dwelling that is not owned by the owner or operator of the processing facility, construct and maintain a barrier to minimize visibility of the processing facility operations. The owner or operator of a processing facility shall construct the barrier on sides of the horizontal limits of construction and demolition debris processing with occupied dwellings in existence at the time the initial permit to install application was submitted.

(3) Post and maintain signs that are visible and legible from all access roads leading in to the processing facility that include the following:

(a) A listing of prohibited materials.

(b) Telephone numbers for emergency personnel including the local fire department.

(c) Telephone number for the local board of health.



(d) Telephone number for the appropriate Ohio EPA district office.

(e) Name and telephone number of the processing facility emergency contact.

(4) Construct and maintain a working surface that supports processing and transferring operations. The working surface may be constructed of concrete, asphalt concrete, gravel, clay, soil, or any other material capable of supporting the weight of all material and equipment placed on the working surface during processing and transferring operations.

(C) Prohibited materials. The owner or operator of a processing facility shall not accept prohibited materials and remove any prohibited materials from the processing facility as soon as practical. If prohibited materials are detected in incoming debris, the owner or operator of the processing facility shall reject the entire load. Prohibited materials include but are not limited to the following:

(1) Pulverized debris.

(2) Hazardous waste.

(3) Infectious waste.

(4) Containerized bulk liquids.

(5) Asbestos materials subject to NESHAP, 40 C.F.R. Part 61, Subpart M.

(6) Solid waste.

(D) Operations. The owner or operator of a processing facility shall conduct operations at the processing facility as follows:

(1) Within the horizontal limits of construction and demolition debris processing as identified in the effective permit to install issued for the processing facility.



- (2) On a working surface constructed and maintained in accordance with paragraph (B)(4) of this rule.
- (3) Deposit incoming loads of debris that will be processed at the processing facility in a designated area, inspect the debris, and remove all prohibited materials at the time of deposition.
- (4) Ensure the total volume of mixed construction and demolition debris at the processing facility at any time does not exceed the maximum volume of mixed construction and demolition debris authorized in the effective permit to install issued for the processing facility.
- (5) Ensure the maximum dimensions of each pile at the processing facility do not exceed the maximum dimensions authorized in the effective permit to install issued for the processing facility.
- (6) Store mixed construction and demolition debris at the processing facility for no longer than one year after acceptance.
- (7) Ensure equipment of adequate size and quantity for the operations of the processing facility is available at all times during operating hours.
- (8) Employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the processing facility, including frequent policing of the area and the use of portable wind screens where necessary.
- (9) Divert surface water from the construction and demolition debris processing area by non-mechanical means. The owner or operator of a processing facility shall not divert surface water under, over, or through processing or staging areas.
- (10) Direct any surface water leaving the construction and demolition debris processing area to surface water drainage and sediment control structures.
- (11) Immediately containerize and cover solid waste at the processing facility and remove all solid waste from the processing facility and transport it to a licensed solid waste disposal facility or a licensed solid waste transfer facility at a minimum monthly.



(12) In a manner that prevents the attraction or breeding of birds, insects, rodents, and other vectors.

(13) In a manner that prevents a nuisance or health hazard from noise, dust, or odors generated at the processing facility.

(14) In compliance with the fire prevention and response plan prepared in accordance with paragraph (H) of this rule and with the applicable requirements in Chapter 1301:7-7 of the Revised Code.

(15) Upon request by the director or approved board of health, conduct a topographic survey and submit the survey results to the director or approved board of health, as applicable, each year in the month of September.

(E) Daily log of operations.

(1) The owner or operator of a processing facility shall maintain a daily log of operations on a form prescribed by the director, or an alternate form pursuant to paragraph (E)(2) of this rule, that includes the following information for each day the processing facility is in operation:

(a) A record of each load that was accepted, including the size of the load specified in volume or by weight and the origin of the load.

(b) A record of each load that was removed from the processing facility, including the size of the load specified in volume or by weight, the contents of the load, and the destination of the load.

(c) A record of each load that was rejected and the reason for the rejection.

(d) The name and secondary identification number of each certified or interim operator who was available.

(2) The owner or operator of a processing facility may use an alternate form, either in paper or electronic formats, for the daily log of operations provided that all of the information requested on the prescribed form is present. Not later than fourteen days prior to the use of the alternate form, the



owner or operator of the processing facility shall submit the alternate form to the appropriate Ohio EPA district office and as applicable the approved board of health. The owner or operator of the processing facility may use the alternate form not sooner than fourteen days after the date the appropriate Ohio EPA district office has received the alternate form, unless Ohio EPA has sent written notification to the owner or operator of the processing facility that the alternate form is unacceptable. The owner or operator of the processing facility may return to the form prescribed by the director at any time without notification.

(3) The owner or operator of a processing facility shall submit daily log forms or summaries of the daily logs to the Ohio EPA or the approved board of health upon request.

(F) The owner or operator of a processing facility shall maintain all records, including a copy of all effective authorizing documents and the daily log operations, for a minimum of five years and make the records available for inspection by Ohio EPA and the approved board of health, if applicable, during operating hours.

(G) Certified operator.

(1) Prior to accepting construction and demolition debris, the owner or operator of a processing facility shall submit to the licensing authority the name and secondary identification number, if applicable, of each certified operator or interim operator employed in accordance with paragraph (G)(3) of this rule and ensure that a certified operator or interim operator is at the processing facility or reasonably available each day during operations. The certified operator shall be responsible for the following:

(a) Overseeing all operations at the processing facility.

(b) Being thoroughly familiar with proper operating procedures, all applicable authorizing documents, and this rule.

(c) Reviewing and signing the completed daily log for each day of processing facility operation.

(2) The owner or operator of a processing facility shall update the name and secondary identification



number, if applicable, of each certified operator or interim operator when any name, certification status, or employment change occurs and submit a copy of the updated name and secondary identification number, if applicable, to the licensing authority not later than thirty days after a change is made. A copy of the effective operator certificate for each certified operator shall be kept at the processing facility and made available to Ohio EPA and the approved board of health upon request.

(3) Interim operator. The owner or operator of a processing facility may designate an interim operator to meet the requirements of paragraph (G)(1) of this rule for not more than three hundred sixty-five days.

(a) The owner or operator of a processing facility that designates an interim operator shall notify the licensing authority in writing not later than ten days after designation of an interim operator. At a minimum, the notification shall contain the following:

(i) The name, address, and qualifications in accordance with paragraph (B)(2)(a) of rule 3745-400-26 of the Administrative Code of the interim operator.

(ii) The duration that the owner or operator of the processing facility intends to have an interim operator in place.

(iii) An explanation describing the reasons for the utilization of the interim operator.

(b) If an interim operator violates any provision of Chapter 3714. of the Revised Code or the rules adopted thereunder, the director may prohibit the interim operator from continuing as an interim operator after conducting an investigation and hearing in accordance with Chapter 119. of the Revised Code, prohibit the interim operator from obtaining operator certification, or both.

(H) Fire prevention and response plan. The owner or operator of a processing facility shall implement the fire prevention and response plan approved in the effective permit to install that includes at a minimum the following information and submit a copy of the fire prevention and response plan to the local fire department:

(1) Emergency contact information for the processing facility.



- (2) A letter from the local fire department stating that the department will respond to fires at the processing facility.
 - (3) Guidelines for handling debris that is burning or at a temperature likely to cause a fire.
 - (4) Procedures for responding to a fire including notifications, operation of fire equipment, and evacuation routes.
 - (5) Documentation of adequate fire control equipment, material, and services available to be employed immediately upon occurrence of a fire at the processing facility.
 - (6) Maintenance schedules and documentation of maintenance performed on fire control equipment.
 - (7) A map showing the location of fire hydrants and other fire control equipment within the processing facility boundary.
- (I) Access. The owner or operator of a processing facility shall limit access to the processing facility to prevent interference with proper operating procedures in a manner that ensures the following:
- (1) Access to the processing facility is restricted to authorized personnel only during non-operating hours.
 - (2) Scavenging is prohibited. For the purposes of this rule, scavenging is the extraction or removal of material from a processing facility by a person unauthorized by the owner or operator of the processing facility.
 - (3) Access to the processing facility is granted to Ohio EPA, the approved board of health, if applicable, and any authorized representatives who, upon proper identification, may enter the processing facility at reasonable times to determine compliance with Chapter 3714. of the Revised Code and rules adopted thereunder.