



## Ohio Administrative Code

### Rule 3745-501-75 Authorized maximum daily waste receipt.

Effective: July 1, 2020

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(A) The AMDWR for a facility as identified in the license shall be expressed in tons per day for facilities utilizing scales or cubic yards per day at the gate for all other facilities. 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) Temporary increase.

(1) The owner or operator of a licensed solid waste facility may submit a written request to the director for a temporary increase in the facility's AMDWR. At a minimum, the request shall include the following:

(a) A discussion of the circumstances warranting the request, including any available documentation in support of the temporary increase, and how continued compliance with the existing AMDWR will affect public health and safety.

(b) The anticipated length of time the increase will be necessary.

[Comment: A temporary increase that is anticipated to exceed ninety days constitutes a modification and requires a permit to install application to be submitted to the director.]

(c) A discussion of how the operation of the facility will accommodate the temporary increase and ensure compliance with Chapter 3734. of the Revised Code and the rules adopted thereunder.

(d) Copies of the information sent in accordance with paragraph (B) of this rule.

(2) The owner or operator shall send via certified mail or any other form of mail accompanied by a receipt letters of intent to request a temporary increase in the facility's AMDWR to the following:



- (a) The board of directors of each solid waste management district where the facility is located.
  - (b) In the case where the increased amount of solid waste is generated in Ohio but out of the district where the facility is located, the board of directors of each solid waste management district where the increased amount of solid waste is generated.
  - (c) The approved board of health, if applicable.
- (3) The director may authorize a temporary increase in the AMDWR at a facility if the director determines that an emergency exists that has the potential to impact public health, safety, or the environment.
  - (4) If the increased waste receipt results in operational violations at the facility, the authorization shall automatically terminate upon written notification from the director.
  - (5) A request for a temporary increase that exceeds ninety days shall be authorized as follows:
    - (a) Conditionally upon the submittal of a permit to install application for a permanent increase in the AMDWR. A permit to install application shall be submitted not later than thirty days after the date of the director's authorization of the temporary increase. Failure to submit a permit to install application in accordance with this paragraph shall result in termination of the authorization upon written notification from the director.
    - (b) Such that the temporary increase be utilized in establishing the facility's annual license fee.
  - (6) A temporary increase for a facility shall not exceed one hundred eighty consecutive days.
  - (7) An authorization for a temporary increase is not renewable.
  - (8) A temporary increase cannot be issued where the director exercises authority under division (C)(1) of section 3734.53 of the Revised Code.