



Ohio Administrative Code

Rule 3745-580-703 Criteria for approval of a scrap tire monofill facility permit to install application.

Effective: June 30, 2023

(A) General criteria. The director shall not approve a permit to install application for a scrap tire monofill facility unless the director determines all of the following:

(1) Establishment or modification and operation of the scrap tire monofill facility will not violate Chapter 3704., 3734., 3745., or 6111. of the Revised Code.

(2) The scrap tire monofill facility will be capable of being constructed, operated, closed, and maintained during the post-closure care period in accordance with this chapter and with the terms and conditions of the permit to install.

(3) The applicant or person listed as owner and operator of the scrap tire monofill facility is in substantial compliance with, or is on a legally enforceable schedule through issuance of an administrative consent order or judicial consent order to attain compliance with applicable provisions of Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate. An applicant or person listed as the owner or operator is not in substantial compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code if the applicant has committed a significant or material violation of an environmental law or has committed numerous, other violations of environmental laws such that the violations reveal a practice of noncompliance with environmental laws.

(4) The applicant or person listed as the owner or operator has maintained a history of compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code by resolving all administrative and judicial enforcement actions that were brought against them that were based on a significant or material violation of an environmental law, or were based on numerous, other violations of environmental laws that revealed a practice of noncompliance with environmental laws at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate or at scrap tire



transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they have previously owned or operated. For purposes of this rule, an enforcement action has been resolved if the owner or operator has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the owner or operator has adjudicated the issue of whether they are in violation of environmental laws to finality.

(5) The applicant meets the requirements of sections 3734.40 to 3734.47 of the Revised Code and the rules adopted thereunder.

(6) For an initial application, the applicant has submitted a draft financial assurance instrument and the closure cost estimate and post closure-care cost estimate in accordance with rules 3745-503-05, 3745-503-06, and 3745-580-22 of the Administrative Code.

(7) For an application for a modification to the scrap tire monofill facility, the applicant has submitted the calculations of the closure cost estimate and the post closure care cost estimate in accordance with rule 3745-580-22 of the Administrative Code.

(8) The limits of solid waste placement are not located within a park.

(B) Discretionary criteria. The director may consider, when determining whether or not to approve a permit to install application for a scrap tire monofill facility, the following:

(1) The impact the establishment or modification of the scrap tire monofill facility may have on corrective measures that have been taken, are presently being taken, or are proposed to be taken at the facility or in the immediate area.

(2) The technical ability of the owner or operator to adequately monitor the impact of the scrap tire monofill facility on the environment.

(C) Design criteria. The director shall not approve a permit to install application unless the director determines that the application conforms to the appropriate sections of rule 3745-580-705 of the Administrative Code as follows:



(1) For a new scrap tire monofill facility or a vertical or lateral expansion, paragraphs (B) to (E) of rule 3745-580-705 of the Administrative Code.

(2) [Reserved.]

(3) For a scrap tire monofill facility application in response to division (B) of section 3734.77 of the Revised Code, paragraphs (B) to (E) of rule 3745-580-705 of the Administrative Code.

(4) A permit to install application exclusively requesting a change in technique of waste receipt, type of waste received, or type of equipment used, is not subject to rule 3745-580-705 of the Administrative Code.

(5) A permit to install application exclusively requesting a change in the authorized maximum daily waste receipt and submitted pursuant to paragraph (E) of this rule is not subject to rule 3745-580-705 of the Administrative Code.

(6) For applications proposing other modifications to the scrap tire monofill facility, the relevant paragraphs of rule 3745-580-705 of the Administrative Code.

(D) [Reserved.]

(E) Additional criteria for applications to increase the authorized maximum daily waste receipt. The director shall not approve a permit to install application for a permanent change in the authorized maximum daily waste receipt for the scrap tire monofill facility unless the owner or operator submits a demonstration to the director that the scrap tire monofill facility can operate in compliance with all applicable solid waste regulations while receiving the requested maximum daily waste receipt and at a minimum includes the following:

(1) An explanation of the overall facility design including construction time frames and fill sequences for the scrap tire monofill facility.

(2) Operational criteria such as the scrap tire monofill facility's equipment availability, cover



availability, and manpower.

(3) If applicable, the owner's or operator's previous compliance history throughout the life of the scrap tire monofill facility and the daily logs for any period that the scrap tire monofill facility was out of compliance.

[Comment: An application for a temporary increase in the authorized maximum daily waste receipt is subject to the criteria specified in rule 3745-501-75 of the Administrative Code.]

(F) [Reserved.]

(G) Applicability of siting criteria. A permit to install application for scrap tire monofill facility shall not be approved unless the director determines that the application meets the criteria specified in paragraph (H) of this rule, as follows:

(1) Call-in permits. A scrap tire monofill facility for which the permit to install application, including any proposed lateral or vertical expansions, is submitted in response to division (B) of section 3734.77 of the Revised Code, shall meet all the criteria specified in paragraph (H) of this rule.

(2) Operation changes. A permit to install application that exclusively proposes a substantial change in technique of waste receipt, type of waste received, or type of equipment used at the scrap tire monofill facility is not subject to the criteria specified in paragraph (H) of this rule.

(3) Authorized maximum daily waste receipt increase. A permit to install application that exclusively proposes a change in the authorized maximum daily waste receipt limit for the scrap tire monofill facility is not subject to the criteria specified in paragraph (H) of this rule.

(4) Other modification permits. A permit to install application that incorporates a modification to the scrap tire monofill facility that does not incorporate a capacity increase or otherwise extend the vertical or horizontal limits of waste placement is not subject to the criteria specified in paragraph (H) of this rule.

(5) Proposed new landfill or vertical or lateral expansion. A proposed new landfill or a vertical or



lateral expansion of an existing landfill shall meet all of the criteria specified in paragraph (H) of this rule. The director may approve the application for one or more non-contiguous areas proposed in the application that meet the criteria specified in paragraph (H) of this rule, even if other proposed areas do not meet the criteria specified in paragraph (H) of this rule.

(H) Siting criteria. The director will consider a permit to install application for a scrap tire monofill in accordance with paragraph (G) of this rule as follows:

(1) The limits of waste placement and any temporary scrap tire storage area of the scrap tire monofill facility are not located within one thousand feet of or within any of the following areas, in existence on the date of receipt of the permit to install application by Ohio EPA:

(a) National park or recreation area.

(b) Candidate area for potential inclusion in the national park system.

(c) State park or established state park purchase area.

(d) Any property that lies within the boundaries of a national park or 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 from the limits of solid waste placement does not apply if the applicant obtains a written authorization effective prior to the issuance date of the permit from the owner and the designated authority of the areas designated in paragraph (H)(1) of this rule to locate the limits of solid waste placement within one thousand feet.

(2) Ground water aquifer system protection.

(a) Sole source aquifer. The limits of waste placement of the scrap tire monofill facility and any subsurface leachate storage structure are not located above an aquifer declared by the federal government under the Safe Drinking Water Act, 88 Stat. 1660, 42 U.S.C. 300(f), to be a sole source aquifer prior to the date of receipt of the permit to install application by Ohio EPA.

(b) One hundred gallons per minute (gpm) aquifer system. The limits of waste placement of the scrap



tire monofill facility and any subsurface leachate storage structure or leachate lift station are not located above an unconsolidated aquifer system capable of sustaining a yield of one hundred gallons per minute for a twenty-four-hour period within one thousand feet of the limits of waste placement or any subsurface leachate storage structure or leachate lift station.

(c) Isolation distance. The isolation distance between the uppermost aquifer system and the basal elevation of the recompacted soil liner and the basal elevation of any liner system of a subsurface leachate storage structure for a scrap tire monofill facility is not less than five feet, without accounting for compression or consolidation, of in-situ geologic material constructed in accordance with rule 3745-580-705 of the Administrative Code.

(3) Ground water setbacks.

(a) Drinking water source protection area for a public water supply using ground water. The limits of solid waste placement of the scrap tire monofill facility and any subsurface leachate storage structures are not located within a drinking water source protection area for a public water supply using ground water.

(b) Underground mine. The limits of waste placement of the scrap tire monofill facility and any above-ground leachate storage structure are not located within an area of potential subsidence due to an underground mine. The area of potential subsidence due to an underground mine is the area defined by the angle of draw extending from the underground mine to where the angle of draw intercepts the ground surface. The angle of draw shall not be less than fifteen degrees.

[Comment: Removal or filling of the mines is an acceptable method for minimizing the potential for subsidence.]

(c) One thousand feet from water supply well. The limits of waste placement and any subsurface leachate storage structure are not located within one thousand feet of a water supply well or a developed spring in existence on the date the permit to install application was received by Ohio EPA. For the purposes of this paragraph, a developed spring is any spring that has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water. This paragraph does not apply if one or more of the following conditions are met:



(i) The water supply well or developed spring is controlled by the applicant and provided the following:

(A) The water supply well or developed spring is needed as a source of nonpotable water in order to meet the requirements of an approved permit or as a source of nonpotable water used in a manufacturing process.

(B) No other reasonable alternative water source is available.

(C) The water supply well or developed spring is constructed to prevent contamination of the ground water.

(ii) The water supply well or developed spring is not less than five hundred feet hydrogeologically upgradient of the limits of waste placement.

(iii) The water supply well or developed spring is separated from the limits of waste placement by a naturally occurring hydrogeologic barrier.

(iv) The water supply well or developed spring was constructed and is used solely for monitoring ground water quality.

(4) General setbacks.

(a) One thousand feet from natural areas. The limits of waste placement and any temporary scrap tire storage area of the scrap tire monofill facility are not located within one thousand feet of the following:

(i) Areas designated by the Ohio department of natural resources as either a state nature preserve including all lands dedicated under the Ohio natural areas law, a state wildlife area, or a state wild, scenic, or recreational river.

(ii) Areas designated, owned, and managed by Ohio history connection as a nature preserve.



(iii) Areas designated by the United States department of the interior as either a national wildlife refuge or a national wild, scenic, or recreational river.

(iv) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.

(v) Stream segments designated by Ohio EPA as a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

[Comment: Stream segments designated as state resource waters may include some wetlands. Those wetlands that do not meet this designation are addressed in paragraph (H)(4)(d) of this rule.]

(b) Three hundred feet from property line. The limits of waste placement and any temporary scrap tire storage area of the scrap tire monofill facility are not located within three hundred feet of the scrap tire monofill facility's property line.

(c) One thousand feet from domicile. The limits of waste placement and any temporary scrap tire storage area of the scrap tire monofill facility are not located within one thousand feet of a domicile, whose owner has not consented in writing to the location of the scrap tire monofill facility, in existence on the date of receipt of the permit to install application by Ohio EPA.

(d) Two hundred feet from surface waters. The limits of waste placement, any subsurface leachate storage structure, and any temporary scrap tire storage area of the scrap tire monofill facility are not located within two hundred feet of areas determined by Ohio EPA or the United States army corps of engineers to be a stream, lake, or wetland.

(e) Seismic impact zone. The limits of waste placement and the leachate management system are not located in a seismic impact zone unless the owner or operator demonstrates that all containment structures, including liners, leachate collection systems, sedimentation ponds, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.



(f) Floodway and flood plain. Any temporary scrap tire storage area of the scrap tire monofill facility are not located in a floodway and the limits of waste placement and the leachate management system are not located in a regulatory flood plain.

[Comment: Pursuant to division (A) or (G) of section 3734.02 of the Revised Code, an applicant may request a variance or exemption from any of the siting criteria contained in this rule.]