

109:6-1-01           **Definitions.**

As used in Chapter 109:6-1 of the Administrative Code:

- (A) "Applicant" means any person seeking a permit or license for an off-site facility.
- (B) "Application" means the forms and accompanying documents filed in connection with the applicant's request for a permit.
- (C) "Attorney general" means the attorney general or the attorney general's authorized representative.
- (D) "Business concern" means any corporation, association, firm, partnership, trust, sole proprietorship, or other form of commercial organization.
- (E) "Calendar year" means January first through December thirty-first of a given year.
- (F) "Debt liability" means bonds, debentures, notes, mortgages and loans of any kind, secured or unsecured, and other similar debt instruments.
- (G) "Disclosure statement" means a statement submitted to the attorney general by an applicant, permittee, or prospective owner which contains that information required in rule 109:6-1-02 of the Administrative Code.
- (H) "Employed in a supervisory capacity" refers to any individual, including a foreman, having been delegated authority which:
  - (1) Is delegated in the interest of the employer;
  - (2) Involves the exercise of that individual's independent judgment;
  - (3) Is not merely authority to perform a routine or clerical task; and
  - (4) Is authority to perform or effectively to recommend any one or more of the following actions: hiring, firing, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding, disciplining, directing, or adjusting grievances of, employees whose duties or responsibilities involve, in whole or part, the management of (including but not limited to the evaluation of, identification of, labeling of, and monitoring of the effects of), handling of, disposal of, transportation of, storage of, or treatment of, solid waste, infectious waste or hazardous waste.

- (I) "Empowered to make discretionary decisions" refers to any individual, including a foreman, who has been delegated authority which:
- (1) Is delegated in the interest of the employer;
  - (2) Involves the exercise of that individual's independent judgment;
  - (3) Is not merely authority to perform a routine or clerical task; and
  - (4) Is authority which relates to any one or more of the following aspects of solid, infectious, or hazardous waste operations: the management of (including but not limited to evaluation of, identification of, labeling of, and monitoring of the effects of), handling of, disposal of, transportation of, storage of, or treatment of, solid waste, infectious waste or hazardous waste.
- (J) "Equity" means any ownership interest in a business concern, including sole proprietorship, the shares of a partner, and stock in a corporation.
- (K) "Facility" means any site, location, tract of land, installation or building used, or to be used, for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes, for transfer of solid wastes, for the collection, storage or processing of solid wastes that consist of scrap tires only, for the treatment or disposal of infectious wastes, or for the storage, treatment or disposal of hazardous waste, or any combination of these activities.
- (L) "Governmental entity" means the state, any political subdivision, municipal corporation, township, county or other state or local body, the United States and any agency or instrumentality thereof.
- (M) "Key employee":
- (1) Means any individual:
    - (a) Employed by the applicant or the permittee or the prospective owner in a supervisory capacity for the subject facility; or
    - (b) Empowered to make discretionary decisions for the subject facility;
  - (2) Means, if the applicant or permittee or the prospective owner has entered into a contract with another person to operate the subject facility:

- (a) Those employees of the contractor who are employed in a supervisory capacity for the subject facility; or
- (b) Those employees of the contractor who are empowered to make discretionary decisions for the subject facility; and

(3) Does not include:

- (a) Any employee exclusively engaged in the physical or mechanical collection, transfer, transportation, treatment, storage or disposal of solid infectious, or hazardous waste; or
- (b) A public official or public employee, as defined in division (B) of section 102.01 of the Revised Code, who is required to file a disclosure statement under section 102.02 of the Revised Code.

(N) "License" means the annual license required by section 3734.05 of the Revised Code for an off-site solid waste disposal or transfer facility or an off-site infectious waste treatment facility, or if the solid wastes consist of scrap tires, the annual license required by section 3734.81 of the Revised Code for scrap tire storage, monocell, monofill or recovery facilities.

(O) "Listed business concern" means a business concern other than the applicant or permittee that is required to be listed in a disclosure statement and referred to in paragraphs (B)(2) to (B)(7) and (E) to (E)(2)(b) of rule 109:6-1-02 of the Administrative Code.

(P) "Off-site facility" means a facility:

- (1) Located off the premises where the solid, infectious, or hazardous waste is generated; and
- (2) Other than a facility:
  - (a) Which exclusively disposes of wastes generated from the combustion of coal that is not combined in any way with garbage; or
  - (b) Owned and operated by the generator of the waste and which exclusively disposes of or transfers solid wastes, exclusively treats infectious wastes, or exclusively disposes of hazardous waste, generated at one or

more premises owned by the generator, or

- (c) Which exclusively disposes of wastes that are generated from the combustion primarily of coal in combination with scrap tires that are not combined in any way with garbage.
- (Q) "Operator" means the person responsible for the direct control or overall operation of a facility.
- (R) "Owns or controls" means holds or is able to control the purchase or sale of at least five per cent of the equity of a publicly traded corporation or twenty-five per cent of the equity of any other business concern, either directly or through a holding company or subsidiary.
- (S) "Partner" means any person holding a position as, or similar to, a general partner, as defined in division (E) of section 1782.01 of the Revised Code, or a limited partner, as defined in division (F) of section 1782.01 of the Revised Code, or persons who share profits and liability and have management powers of a partnership, as partnership is defined in section 1775.05 of the Revised Code.
- (T) "Permit" means the following permits, modifications, or renewals issued under section 3734.05 of the Revised Code:
- (1) A permit to install and any subsequent modifications or renewals of an off-site solid waste disposal facility, including any incineration facility, or transfer facility;
  - (2) A permit to install and any subsequent modifications or renewals for an off-site infectious waste treatment facility;
  - (3) A permit to install and operate an off-site hazardous waste treatment, storage, or disposal facility and the modification or renewal of a hazardous waste permit for the treatment, storage, or disposal of hazardous waste; or
  - (4) A permit to install or any subsequent modification for an off-site solid waste facility that is a scrap tire, monocell or monofill facility, or a class I scrap tire storage or recovery facility issued under section 3734.76, 3734.77 or 3734.78 of the Revised Code.
- (U) "Permittee" means any person who has received a permit or license for an off-site facility.

(V) "Person" includes any individual, business concern or governmental entity.

(W) "Publicly traded corporation" means a corporation:

- (1) Whose shares are listed on a national securities exchange;
- (2) Whose shares are regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association; or
- (3) With fifty or more shareholders.

(X) "Relative" means a mother, father, sister, brother, aunt, uncle, spouse, children, adopted children, step children, grandparent, or the parent, brother or sister of the spouse.

(Y) "Sole proprietorship" means a form of business, other than a partnership or corporation, in which one person owns all the assets and is solely liable for all the debts of the business. Sole proprietor includes, notwithstanding the former, any individual or entity in which an individual is an applicant or permittee or prospective owner.

(Z) "Subject facility" means the facility in the state of Ohio for which the applicant seeks a permit or license or for which the permittee holds a permit or license or for which the prospective owner seeks a change of ownership.

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Certification

06/23/2005

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Date

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