

3745-27-01

Definitions.

(A)

~~(1) "Additive" means a supplemental material mixed with or otherwise added with compostable feedstock and bulking agents to create a favorable condition for the composting process and includes, but is not limited to, the following source-separated materials: urea; sterilized, dried and crushed egg shells; rice hulls; earthworms; and bacterial or fungal inoculum consisting only of microorganisms that may also include a commercially prepared medium designed to sustain the microorganisms during storage and transport that is manufactured and distributed for the purpose of use in a composting process as an inoculant.~~

~~(2) "Aerated static pile" means a pile of solid waste remaining stationary with air forced through the waste while composting takes place.~~

~~(3)~~(1) "Airport" means any airport certified by the federal aviation administration and open to the public without prior permission and without restrictions within the physical capabilities of the available facilities.

~~(4)~~(2) "Alteration" means a change to a facility from the requirements specified in the facility's authorizing document which is at least equivalent to rule requirements, other than a "modification" as that term is defined in rule 3745-27-02 of the Administrative Code, which requires written concurrence by Ohio EPA.

[Comment: If the change is not equivalent to rule requirements, approval through a permit, variance, or exemption would be necessary.]

~~(5)~~(3) "Animal waste" means animal excreta, bedding, wash waters, waste feed, and silage drainage.

~~(6)~~(4) "Applicant" means any person who has applied for a registration certificate, permit to install, an alternative infectious waste treatment technology approval, or an operating license in accordance with Chapter 3745-27, 3745-29, 3745-30, or 3745-37 of the Administrative Code.

~~(7)~~(5) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water to wells or springs.

~~(8)~~(6) "Aquifer system" means one or more geological units or formations that are wholly or partially saturated with water and are able to store, transmit, and

yield significant amounts of water to wells or springs.

~~(9)~~(7) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

~~(10)~~(8) "Authorized maximum daily waste receipt" means the maximum amount of solid waste a solid waste disposal facility may receive at the gate in any calendar day. The waste receipt limit 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)

(1) "Beneficial use" means 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 accordance with rule 3745-27-78 of the Administrative Code. The use of a scrap tire at a scrap tire recovery facility is not a "beneficial use" of scrap tires, for the purposes of Chapter 3745-27 of the Administrative Code. "Beneficial use" does not apply to products manufactured from scrap tires and sold to a customer, including tire derived fuel as defined in this rule.

~~(2) "Biodegradable containers" means a container composed of materials, such as vegetable matter, paper, cardboard, and plastics that meet the American Society for Testing and Materials (ASTM) "Standard Specification for the Compostable Plastics" (D6400-04) (www.astm.org) and that may display the International Biodegradable Products Institute's "Compostable Logo," that will decompose or degrade at a rate equal to or faster than the material within the containers under equivalent conditions.~~

~~(3) "Biofilter" means a layer of a minimum of six inches in depth, consisting of bulking agents, shredded yard waste, finished compost, or materials otherwise authorized in accordance with paragraphs (G) and (H) of rule 3745-27-40 of the Administrative Code, and that is applied over the composting mixture to control odors, dust, or vectors. The biofilter layer shall be considered part of the composting mixture.~~

~~(4)~~(2) "Biomass fuels" are defined in rule 3745-27-03 of the Administrative Code.

~~(5)~~(3) "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to the occupants of the

aircraft.

~~(6)~~(4) "Board of directors of a joint district" means a collective body of the boards of county commissioners of the counties establishing a joint solid waste management district as specified in section 343.01 of the Revised Code.

~~(7)~~(5) "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.

~~(8)~~ "Bulking agent" means a material added to a composting system to provide structural support, improve aeration, or absorb moisture from the decomposing waste and includes only the following source-separated materials: wood chips, straw, shredded newspaper, shredded cardboard, sawdust, shredded brush, biodegradable containers, stover, and materials otherwise authorized in accordance with rule 3745-27-40 of the Administrative Code. Bulking agent does not include any wood that has been treated with preservatives containing arsenic or chromium.

(C)

(1) "Closed unit" means any unit of a sanitary landfill facility for which the owner or operator is required to complete, or has completed, all closure activities in accordance with rule 3745-27-11 of the Administrative Code.

(2) "Commingled yard waste" means yard waste that has been commingled with other solid wastes. Commingled yard waste does include containerized source-separated yard waste including, but not limited to, yard waste in paper or plastic bags where such bags are commingled with other solid wastes.

~~(3)~~ "Compost product" means cured compost that meets applicable compost product quality standards in accordance with rule 3745-27-46 of the Administrative Code. A compost product that is sold, offered for sale at retail or wholesale, used, distributed for use, or given away is not a solid waste when it is for acceptable horticultural, agricultural, or silvicultural practices. In the circumstance where any unwanted compost product is disposed of, the compost product becomes, by definition, a solid waste.

~~(4)~~(3) "Composting" means the process of biological decomposition of organic matter that requires solid wastes under controlled conditions and yields temperatures conducive to thermophilic microorganisms, resulting in a humus like organic material compost. Controlled conditions include but are not limited to grinding, shredding, piling, physical turning, aerating, adding

moisture, or other processing of solid wastes.

- ~~(5)~~(4) "Composting facility" means a ~~designated facility where~~ site, location, tract of land, installation, or building used for composting of solid waste ~~occurs in accordance with Chapters 3745-27 and 3745-37 Chapter 3734, of the Administrative Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.~~
- ~~(6)~~ "Cured compost" means ~~solid waste that has completed the thermophilic and curing stages of composting and is ready to be tested in accordance with rule 3745-27-46 of the Administrative Code.~~
- ~~(7)~~ "Curing compost" means ~~solid waste that has completed the thermophilic stage of composting. Curing compost is characterized as solid waste that may reheat to temperatures greater than one hundred ten degrees Fahrenheit.~~
- ~~(8)~~(5) "Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.
- ~~(9)~~(6) "Current corrective measures cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-18 of the Administrative Code.
- ~~(10)~~(7) "Current final closure cost estimate" or "current closure cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-15, 3745-27-24, 3745-27-53, 3745-27-61, 3745-27-63, 3745-27-66, or 3745-27-73 of the Administrative Code.
- ~~(11)~~(8) "Current transporter cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-15, 3745-27-54, or 3745-27-56 of the Administrative Code.
- ~~(12)~~(9) "Current liabilities" means obligations whose liquidation is reasonably expected to require either the use of existing resources properly classifiable as current assets or the creation of other current liabilities.
- ~~(13)~~(10) "Current post-closure care cost estimate" means the most recent of the estimates prepared in accordance with rule 3745-27-16 or 3745-27-73 of the Administrative Code.

(D)

- (1) "Daily design input capacity" or "DDIC" means the weight of scrap tires that can be processed at a scrap tire recovery facility per day. The DDIC is expressed in tons and shall be calculated as an averaged daily processing amount for all operating days in a calendar month.
- (2) "Developed spring" means any spring which has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water.
- (3) "Director" means the director of environmental protection or the director's authorized representative.

(E)

- (1) "Execute" means to complete and sign a document acceptable to the director for the purpose of establishing a financial assurance instrument.
- (2) "Existing unit" means any unit of a sanitary landfill facility that is receiving solid waste on or before June 1, 1994, and is a geographically contiguous area within the limits of waste placement of the sanitary landfill facility, as the limits of waste placement existed on June 1, 1994.

(F)

- (1) "Final slope" means the slope of a landfill when it has reached final grade and includes but is not limited to the composite cap system, the waste, the composite liner system and the subsurface.
- (2) "Fire break" means the area around individual scrap tire storage piles that is maintained free of combustible and vegetative material. The width of the fire break shall be as specified in the applicable rule of Chapter 3745-27 of the Administrative Code. The fire break may include well mowed grass if the fire break also includes a gravel or paved fire lane twenty feet wide.
- ~~(3) "Foreign matter" means inorganic and organic constituents that were not readily decomposed during composting including, but not limited to: plastics, glass, textiles, rubber, leather, metal, ceramics, styrofoam, sharp objects, and painted, laminated, or treated wood and bark.~~
- ~~(4)~~(3) "Foundry sand" is defined in rule 3745-30-01 of the Administrative Code.

(G)

- (1) "Ground water" means any water below the surface of the earth in a zone of saturation.

(H)

- (1) "Hazardous waste" means waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.
- (2) "Health commissioner" means the individual occupying the office created by sections 3709.11 and 3709.14 of the Revised Code, or the health commissioner's authorized representative.
- (3) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.
- (4) "Household hazardous waste" means solid waste originally generated by individual households that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in rule 3745-51-03 of the Administrative Code. Household hazardous waste is excluded from regulation as a hazardous waste pursuant to paragraph (B)(1) of rule 3745-51-04 of the Administrative Code.

(I)

- (1) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid or infectious wastes to ash.
- (2) "Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted accounting standards, or for a publicly-owned facility, an equivalent comprehensive audit performed by the auditor of the state of Ohio pursuant to Chapter 117. of the Revised Code.
- (3) "Industrial solid waste" is defined in rule 3745-29-01 of the Administrative Code.
- (4) "Industrial solid waste landfill facility" is defined in rule 3745-29-01 of the

Administrative Code.

- (5) "Infectious agent" means a type of microorganism, ~~helminth pathogen, or virus,~~ or proteinaceous infectious particle that causes, can cause or significantly contributes to the cause of increased morbidity disease in or mortality death of human beings.
- (6) "Infectious wastes" ~~includes all of the following substances or categories of substances:~~ 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 the following::
- (a) ~~Cultures and stocks of infectious agents and associated biologicals, including, without limitation, specimen cultures, cultures and stocks of infectious agents, wastes from production of biologicals, and discarded live and attenuated vaccines.~~
- (b)(a) ~~Laboratory wastes that were, or are likely to have been, in contact with infectious agents that may present a substantial threat to public health if improperly managed.;~~
- (e)(b) ~~Pathological wastes, including, without limitation, human and animal tissues, organs, and body parts, and body fluids and excreta that are contaminated with or are likely to be contaminated with infectious agents, removed or obtained during surgery or autopsy or for diagnostic evaluation, provided that, with regard to pathological wastes from animals, the animals have or are likely to have been exposed to a zoonotic or infectious agent. or zoonotic agents;~~
- (c) Animal blood and blood products;
- (d) Animal carcasses and parts;
- (e)(e) ~~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. Also included are waste materials from the rooms 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, if specific wastes generated under the universal precautions system have been identified as infectious wastes by rules referred to in paragraph~~

~~(f)(6)(h)(l)(6)(g)~~ of this rule;

~~(e) Human and animal blood specimens and blood products that are being disposed of, provided that, with regard to blood specimens and blood products from animals, the animals were or are likely to have been exposed to a zoonotic or infectious agent. "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 such wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious waste.~~

~~(f) Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to infectious agents from zoonotic or human diseases during research, production of biologicals, or testing of pharmaceuticals, and carcasses and bedding of animals otherwise infected by zoonotic or infectious agents that may present a substantial threat to public health if improperly managed.~~

~~(g)(f) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals or that have, or are likely to have, come in contact with infectious agents in medical, research, or industrial laboratories, including, without limitation, hypodermic needles and syringes, scalpel blades, and glass articles that have been broken. Such wastes are hereinafter in this chapter referred to as "sharp infectious waste" or "sharps.";~~

~~(h)(g) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals, that the public health council created in section 3701.33 of the Revised Code, 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 rule, "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.~~

~~(i)(h) Any other waste materials the generator designates as infectious waste.~~

(7) "Infectious waste handling area" means any area where infectious wastes are stored, loaded, unloaded, prepared for treatment, or treated. Infectious waste

handling areas also include areas where vehicles or containers are decontaminated, areas where transportation of infectious wastes within the facility premises occurs, and areas where treated infectious wastes are unloaded, stored, and loaded.

- (8) "Infectious waste treatment unit" or "treatment unit" means the apparatus responsible for the attainment of the performance standard for treatment and for the reduction in microorganisms that is part of the treatment process. A free standing shredder or grinder is not considered a treatment unit.

[Comment: If the treatment process is contained within a single, enclosed piece of equipment, then the treatment unit and treatment process are considered one and the same.]

- (9) "Interim slope" means the slope of a landfill as a result of daily filling or when a phase, cell or unit has reached its limits and includes but is not limited to daily cover, intermediate cover, transitional cover, waste, the composite liner system and the subsurface.

- (10) "Internal slope" means the slope as excavated or constructed and includes but is not limited to the leachate collection layer, protective material, select waste, composite liner system and the subsurface.

- ~~(11) "In-vessel composting" means composting solid wastes utilizing an enclosed or nearly enclosed physical structure where the environment can be highly controlled for temperature, moisture, turning frequency, and other factors related to the rate of decomposition.~~

(J) [Reserved.]

(K) [Reserved.]

(L)

- (1) "Leachate" means liquid that has come in contact with or been released from solid waste.
- (2) "Legitimate recycling facility" means an engineered facility or site where recycling of material other than scrap tires is the primary objective of the facility.

For the purposes of Chapters 3745-27 and 3745-37 of the Administrative Code, legitimate recycling facilities are either of the following:

(a) Facilities that accept only source separated recyclables, except scrap tires, or commingled recyclables which are currently recoverable utilizing existing technology.

(b) Facilities that meet all of the following:

(i) Accept mixed or source separated solid waste streams.

(ii) Recover for beneficial use not less than sixty per cent of the weight of solid wastes brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year.

(iii) Dispose of not more than forty per cent of the total weight of solid wastes brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year.

For purposes of Chapters 3745-27 and 3745-37 of the Administrative Code, legitimate recycling facility does not include any facility identified as a solid waste disposal facility as "solid waste" is defined in this rule, nor does it include any facility identified as a scrap tire collection, storage, monofill, monocell, or recovery facility or any premises at which the beneficial use of scrap tires occurs.

(3) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(4) "Lime sludge" is defined in rule 3745-27-03 of the Administrative Code.

(5) "Limestone quarry" means an excavation resulting from a mining operation where limestone is the principal material excavated for commercial sale or use in another location. This term does not include excavations of limestone resulting from the construction of the sanitary landfill facility.

(6) "Limits of waste placement" means the horizontal and vertical boundaries of a sanitary landfill facility within which the owner or operator has been authorized to dispose of solid waste.

(7) "Lower explosive limit" means the lowest per cent by volume of a mixture of explosive gases in air that will propagate a flame at twenty-five degrees

Celsius and atmospheric pressure.

(M)

~~(1)~~ "Materials placement area" means any area of the composting facility where compost products, solid wastes, feedstocks, bulking agents, or additives are placed, processed, or stored including, but not limited to, the following:

~~(a)~~ Waste handling areas.

~~(b)~~ Areas used for mixing, turning, composting, or otherwise processing solid waste.

~~(c)~~ Storage areas for any of the following:

~~(i)~~ Bulking agents.

~~(ii)~~ Curing compost.

~~(iii)~~ Cured compost.

~~(iv)~~ Compost product.

~~(v)~~ Additives.

~~(vi)~~ Materials to be removed from the facility in accordance with rule 3745-27-45 of the Administrative Code.

~~(2)~~(1) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a ninety per cent or greater probability that the acceleration will not be exceeded in two hundred fifty years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

~~(3)~~(2) "Modification" is defined in rule 3745-27-02 of the Administrative Code.

~~(4)~~(3) "Monocell" means a discrete volume for solid waste, which is provided isolation from other solid wastes, where a segregated waste stream is exclusively disposed within the limits of waste placement of a sanitary landfill facility.

~~(5)~~(4) "Monofill" means a specialized sanitary landfill facility where a single segregated waste stream is exclusively disposed.

~~(6)~~(5) "Municipal solid waste" is a type of solid waste generated from community, commercial, and agricultural operations, including, but not limited to, the following:

- (a) Solid waste generated by community operations, i.e. wastes derived from households (including single and multiple household residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).
- (b) Solid waste generated by commercial operations (including stores, offices, restaurants, warehouses, and other non-manufacturing activities).
- (c) Solid waste generated from agricultural operations (including single-family and commercial farms, greenhouses, and nurseries).
- (d) Sludge from municipal, commercial or industrial waste water treatment plants, water treatment plants, and air pollution control facilities that is co-disposed with wastes specified in paragraph (M)(6)(a), (M)(6)(b), (M)(6)(c) or (M)(6)(e) of this rule in a sanitary landfill facility.
- (e) Fly ash and bottom ash generated from the incineration of municipal solid waste provided the fly ash and bottom ash are not regulated as hazardous wastes.

(N)

- (1) "Net working capital" means current assets minus current liabilities.
- (2) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.
- (3) "New tire" means a tire that has never been installed on a vehicle or trailer, or any tire that is part of a new vehicle or trailer when the motor vehicle or trailer is manufactured or initially received in this state. New tire does not include any used or retreaded tire.
- (4) "New unit" means any unit of a sanitary landfill facility that did not receive solid waste prior to June 1, 1994, and that has not been designated an existing unit by the owner or operator. A new unit may be contiguous or noncontiguous.

- (5) "Nonputrescible solid wastes" is defined in rule 3745-27-12 of the Administrative Code.
 - (6) "Nuisance" means anything which is injurious to human health or offensive to the senses; interferes with the comfortable enjoyment of life or property; and affects a community, neighborhood, or any considerable number of persons (although the extent of annoyance or damage inflicted upon individual persons may be unequal).
- (O)
- (1) "Occupied structure" is defined in rule 3745-27-12 of the Administrative Code.
 - (2) "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 by the director under section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.
 - (3) "Open dump" means a site where solid wastes or untreated infectious wastes have been disposed without a license.
 - (4) "Open dumping" means the following:
 - (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.
 - (b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code.

- (c) The deposition of solid wastes that consist of scrap tires in buildings, trailers, or other vehicles at locations other than a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code (such as pre-positioned trailers in accordance with paragraph (C)(8) of rule 3745-27-56 of the Administrative Code) for longer than fourteen days. The scrap tires in trailers or vehicles shall be considered open dumped unless written prior notification is given to the local health department and Ohio EPA that the vehicle or trailer requires mechanical repairs which will take longer than fourteen days to complete and that the repairs are being completed in a timely manner.
 - (d) The deposition of untreated or treated infectious wastes into waters of the state, and also means the final deposition of untreated infectious wastes on or into the ground at any place other than a licensed solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27 and 3745-37 of the Administrative Code.
- (5) "Operator" or "facility operator" means the person responsible for the on-site supervision of technical operations and maintenance of a solid or infectious waste facility, or any parts thereof, which may affect the performance of the facility and its potential environmental impact or any person who has authority to make discretionary decisions concerning the daily operations of the solid or infectious waste facility. "Operator" also means the person responsible for the supervision of technical operations of a scrap tire transportation business.
- (6) "Original scrap tire generator" or "original owner" means the person or business who purchased a new, retread, or used tire for use on a wheel or rim. Original scrap tire generator or original owner does not include anyone who has accepted a tire other than a new or retreaded tire, for the purposes of transportation, collection, storage, processing, or disposal.
- (7) "Owner" or "property owner" means the person who holds title to the property on which the solid waste facility, infectious waste treatment facility, or scrap tire transportation business is located.
- (P)
- (1) "Parent corporation" means a corporation, or the ultimate corporation, which directly owns at least fifty per cent of the voting stock of the corporation

which holds a permit or license issued in accordance with section 3734.05 of the Revised Code and Chapter 3745-27, 3745-29, or 3745-30 of the Administrative Code; the latter corporation is deemed a "subsidiary" of the parent corporation.

- (2) "Permittee" means a person to whom a permit to install has been issued.
- (3) "Person" means the state, any political subdivision, public or private corporation, individual, partnership, or other entity.
- (4) "Phase" means a discrete area of a sanitary landfill facility, which has been designated to facilitate the systematic construction, operation, and closure of the sanitary landfill facility. For a sanitary landfill facility, other than an industrial solid waste landfill facility or residual solid waste landfill facility, a phase is a discrete area that is part of a unit.
- (5) "Portable solid waste container" or "portable container" is a container used for solid waste transfer that is not part of the permanent structure of a transport vehicle, can be removed from the transporting vehicle without compromising the container's or the transporting vehicle's structural integrity, and can be removed from the transporting vehicle without utilizing destructive measures. Portable containers include trailers used to store and transport solid wastes.
- (6) "Premises" means one of the following:
 - (a) Geographically contiguous property owned by an entity.
 - (b) Noncontiguous property that is owned by an entity and connected by a right-of-way that the entity 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.
- (7) "Processed tire" or "processed scrap tire" means a scrap tire that has been altered through a mechanical, chemical, thermal, or controlled combustion process so that the resulting material is a marketable product or is suitable for storage or disposal in a scrap tire monocell or monofill facility. For the purpose of disposal, processed tires shall be defined as a solid waste or a scrap tire based on the following:
 - (a) Processed tires that are readily identifiable as scrap tires or pieces of scrap tires by visual inspection shall be disposed of as scrap tires.

- (b) Processed tires that are not readily identifiable as scrap tires or pieces of scrap tires by visual inspection when disposed may be disposed of as solid waste rather than scrap tires.
 - (c) Items manufactured from processed tires and scrap tire material which is a by-product of a manufacturing process when disposed may be disposed of as solid waste.
 - (d) "Processed tire" includes, but is not limited to, cut, split, and shredded tires. Baled tires are only considered "processed tires" for the purpose of disposal at a scrap tire monocell or monofill.
- (8) "Public water supply well" means any well connected to a public water system as defined by division (A) of section 6109.01 of the Revised Code.
- (9) "Public well field" means any system of wells which is connected to a public water system as defined by division (A) of section 6109.01 of the Revised Code.

(Q)

- (1) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has at least five years relevant experience in ground water hydrology and related fields to enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective measures.

(R)

- (1) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting solid waste that would otherwise be disposed in a solid waste disposal facility and returning reconstituted materials to commerce as commodities for use or exchange.
- (2) "Regional aquifer" means the aquifer used as a primary source of water to wells within one mile of the solid waste disposal facility.
- (3) ~~"Registered composting facility" means a composting facility where the owner or operator has met all registration requirements of rule 3745-27-41 of the Administrative Code.~~

- ~~(4)~~(3) "Registrant" means any person to whom a registration certificate has been issued.
- ~~(5)~~(4) "Regulatory floodplain" means an area covered by a one hundred year flood as depicted on a flood insurance rate map published by the federal emergency management agency.
- ~~(6)~~(5) "Residual solid waste" or "residual waste" is defined in rule 3745-30-01 of the Administrative Code.
- ~~(7)~~(6) "Residual waste landfill facility" or "residual waste landfill" is defined in rule 3745-30-01 of the Administrative Code.
- ~~(8)~~(7) "Retention time" means the average time for gases to pass through a chamber. The residence time is equivalent to retention time.
- ~~(9)~~(8) "Rough tire shreds" or "rough shredded scrap tires" means tire shreds or cut tire pieces that have any dimension greater than four inches.

(S)

- (1) "Salvaging" means the extracting or removing of materials from the solid waste stream at the working face of a solid waste disposal facility for the intended purpose of recycling or for removal to a salvage facility regulated by Chapter 4737. of the Revised Code and rules promulgated thereunder.
- (2) "Sand or gravel pit" means an excavation resulting from a mining operation where the removal of sand or gravel is undertaken for commercial sale or use in another location. This term does not include excavations of sand or gravel resulting from the construction of the sanitary landfill facility.
- (3) "Sandstone quarry" means an excavation resulting from a mining operation where sandstone is the principal material excavated for commercial sale or use in another location. This term does not include excavations of sandstone resulting from the construction of a sanitary landfill facility.
- (4) "Sanitary landfill facility" means an engineered facility where the final deposition of solid waste on or into the ground is practiced in accordance with Chapter 3745-27, 3745-29 or 3745-30, as appropriate, and 3745-37 of the Administrative Code, and includes the units within the limits of waste placement, all ground water monitoring and control system structures,

buildings, explosive gas monitoring, control, and extraction system structures, surface water run-on and runoff control structures, sedimentation ponds, liner systems, and leachate management system structures. The sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless an alternate setback is deemed acceptable by the director. If the owner or operator has not obtained approval of a permit to install, which delineates the setback from the limits of waste placement, submitted in accordance with section 3734.05 of the Revised Code, the sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless the property line of the facility is less than three hundred feet from the limits of waste placement, in which case the sanitary landfill facility includes those areas within the property line.

- (5) "Scavenging" means the removal by unauthorized personnel of materials from the solid waste stream at waste handling areas of a solid waste disposal facility or solid waste transfer facility.
- (6) "Scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as parts of scrap tires by visual inspection.

For purposes of this definition, "unwanted" means the original scrap tire generator, original owner or manufacturer of the tire no longer wants to use, or is unable to use the tire for its original purpose, and "discarded" means the original scrap tire generator, original owner, or manufacturer of the tire has otherwise managed the tire in such a manner that disposal has occurred.

"Scrap tire" does not include the following:

- (a) A tire after it has been retreaded or regrooved for resale or reuse, unless it has been declared defective or has been returned to the seller or manufacturer for warranty adjustment.
- (b) A tire that is mounted and installed on a vehicle or trailer, or carried on the vehicle or trailer as the spare tire. Trucks with more than four wheels or with different size wheels or tires may carry more than one spare tire.

For purposes of this definition "installed" means placing the mounted wheel and tire assembly at any of the positions on a vehicle or trailer where a wheel and tire assembly was initially placed on the vehicle or trailer during manufacture and includes the position normally used for a

spare tire or tires.

For purposes of this definition "mounted" means placing a tire on a wheel rim so that it can be installed on a vehicle. A mounted tire may be a scrap tire unless it is also installed.

- (c) Tires from non-motorized vehicles such as bicycles, or tires from small equipment such as lawn mowers, wheelbarrows, etc.

[Comment: Tires from non-motorized vehicles may be recycled, disposed of as scrap tires, or may be disposed of as solid waste.]

- (d) Only at a retreading business, a retreadable casing stored in an enclosed building or stored in a manner otherwise authorized or exempted by the director that the retreading business has inspected and individually labeled or marked the casing as suitable for retreading.

- (e) Tire derived fuel (TDF) or tire derived chips (TDC) as defined in this rule after the TDF or TDC has been transported from the scrap tire recovery facility for use as a fuel or for an authorized beneficial use.

- (f) Non-pneumatic, hard, pressed tires, such as forklift tires.

- (7) "Scrap tire collection facility" means a type of facility for scrap tire storage that meets the following:

- (a) The facility is used for the receipt and storage of whole scrap tires from the public prior to the transportation of the scrap tires to one of the destinations listed in rule 3745-27-65 of the Administrative Code.

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

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

[Comment: If the facility does not meet the above definition for a scrap tire collection facility, then the facility may be a scrap tire storage facility. If the facility includes any equipment for processing (e.g. cutting or shredding equipment) the scrap tires to produce a usable product, then the facility is a scrap tire recovery facility.]

- (8) "Scrap tire facility" is a generic term that includes, but is not limited to, the

following: scrap tire collection facility, scrap tire storage facility, scrap tire recovery facility, scrap tire monofill facility, scrap tire monocell facility, and scrap tire submergence facility as those terms are defined in this rule.

- (9) "Scrap tire generator" means any person or business that generates scrap tires. Scrap tire generator includes the original scrap tire generator, as defined in this rule, and any business which removes tires from vehicles and accepts scrap tires in the normal course of business such as tire retail dealers and tire retreaders.

[Comment: A scrap tire generator or original scrap tire generator who stores more than one hundred scrap tires and who does not qualify for one of the exclusions from registration in rule 3745-27-61 or permitting in rule 3745-27-63 of the Administrative Code may also be a scrap tire collection, storage, or recovery facility.]

- (10) "Scrap tire handling area" means any area of a scrap tire collection, storage, monocell, monofill, or recovery facility where scrap tires are stored, loaded, unloaded, sorted, baled, shredded, prepared for processing, or otherwise processed. A scrap tire handling area includes the scrap tire storage area but does not include vehicle staging areas, vehicle storage areas, or buildings not used for the processing or storage of scrap tires. Scrap tire handling area also includes that portion of a scrap tire transporter's business location where scrap tires are unloaded, sorted, and loaded.
- (11) "Scrap tire monocell facility" means a type of "monocell," as that term is defined in this rule, that is used or intended to be used exclusively for the environmentally sound storage or disposal of scrap tires that have been shredded, chipped, or otherwise mechanically processed.
- (12) "Scrap tire monofill facility" means a type of "monofill," as that term is defined in this rule, that is used or intended to be used exclusively for the environmentally sound storage or disposal of scrap tires that have been shredded, chipped, or otherwise mechanically processed.
- (13) "Scrap tire recovery facility" means any site, location, tract of land, installation, or building that is used or intended to be used for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires. Processing includes but is not limited to: a controlled combustion process, mechanical process, thermal process, or chemical process that uses whole, split, or shredded scrap tires as a raw material. 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.

- (a) A "mobile scrap tire recovery facility" is a type of scrap tire recovery facility owned or operated by a person not otherwise licensed as a class I or class II scrap tire recovery facility in Ohio and means any unit for processing tires which is designed by the manufacturer for the regular movement from one operating site to another and which the owner or operator has used at more than one location during the prior year. "Mobile scrap tire recovery facility" specifically includes any tire cutting, baling, or shredding equipment that is moved from site to site for the purpose of processing scrap tires into a useable product at the site or before the scrap tires are removed from the site.
 - (b) A "class I scrap tire recovery facility" means a scrap tire recovery facility with a permitted daily design input capacity of two hundred tons of scrap tires per day or greater.
 - (c) A "class II scrap tire recovery facility" means a scrap tire recovery facility with a registered daily design input capacity of less than two hundred tons of scrap tires per day.
- (14) "Scrap tire storage area" means that part of a premises including but not limited to a scrap tire collection, storage, or recovery facility where whole scrap tires are stored. At a scrap tire recovery facility the scrap tire storage area also means that part of the premises where processed scrap tires are stored.
- (15) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to the scrap tires being transported to one of the destinations listed in paragraph (D)(8) of rule 3745-27-65 of the Administrative Code. A "class I scrap tire storage facility" means a scrap tire storage facility that has a permitted capacity of more than ten thousand square feet of effective scrap tire storage. A "class II scrap tire storage facility" means a scrap tire storage facility that has a registered capacity of not greater than ten thousand square feet of effective scrap tire storage.

[Comment: Division (C) of section 3734.71 of the Revised Code specifies that the owner or operator of a class I scrap tire storage facility must also be the owner or operator of a licensed scrap tire monocell, monofill, or recovery facility in Ohio, or a solid waste or scrap tire monocell, monofill, or recovery facility located in another state and operating in compliance with the laws of that state.]

- (16) "Scrap tire storage pile" means an area where scrap tires are stored either indoors or outdoors on the floor, on the ground, or in racks. The dimensions of a scrap tire storage pile are determined by the location of fire breaks of at least the width specified in Chapter 3745-27 of the Administrative Code around the storage pile. A scrap tire storage pile may consist of one or more separate racks. A scrap tire storage pile may consist of a combination of racks and on the floor or on ground storage of scrap tires.
- (17) "Scrap tire submergence facility" is a type of scrap tire monofill facility and means a facility where only whole scrap tires are submerged in water in an engineered structure.
- (18) "Scrap tire transporter" or "transporter" means the registrant for the scrap tire transportation business or anyone in the registrant's employ who signs the scrap tire shipping papers or operates the registrant's scrap tire transportation vehicles.
- (19) "Seismic impact zone" means an area where the maximum horizontal acceleration in lithified earth material exceeds 0.10g.
- (20) "Sewage sludge" is defined in rule 3745-27-03 of the Administrative Code.
- (21) "Sharp objects" means any object that has the potential to puncture or lacerate, including but not limited to nails, sewing needles, straight pins, staples, metal screws, hard plastic, glass, broken ceramics, and infectious waste "sharps."
- (22) "Significant zone of saturation" means a zone of saturation that may act as a preferential pathway of migration away from the limits of solid waste placement.
- (23) "Solid waste" means such unwanted residual solid or semisolid material, including but not limited to; garbage, scrap tires, combustible and noncombustible material, street dirt and debris, 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 combustion of coal, biomass fuels, 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, 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 waste does not include any material that is an infectious waste or a hazardous waste.

(24) "Solid waste disposal facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes.

(25) "Solid waste energy recovery facility" means any site location, tract of land, installation, or building where mixed solid waste or select solid waste streams, including scrap tires, is used as or intends to be used as fuel to produce energy, heat, or steam.

[Comment: A "solid waste energy recovery facility", which exclusively uses scrap tires and other approved rubber waste as fuel, may be regulated as a "scrap tire recovery facility."]

(26) "Solid waste management district" means a county which has established a resolution, or joint counties which have entered into an agreement, for the purposes of preparing, adopting, submitting, and implementing a solid waste management plan for the county or joint counties and for the purposes of providing for, or causing to be provided for, the safe and sanitary management of solid wastes within all of the incorporated and unincorporated territory of the county or joint counties and in compliance with Chapters 343. and 3734. of the Revised Code.

(27) "Solid waste management policy committee" means a committee established and convened by the board of county commissioners of a county solid waste management district or the board of directors of a joint solid waste management district to prepare the solid waste management plan of the solid waste management district and in compliance with division (B) of section 3734.54 of the Revised Code.

(28) "Solid waste transfer facility" or "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 are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted. The term does not include any facility that accepts scrap tires other than scrap tires which are accepted incidental to a mixed solid waste shipment.

~~(29) "Source separated" means feedstock types, authorized bulking agents, or~~

~~additives that have been separated at the point of generation or at the point of collection from other solid wastes.~~

~~(30)~~(29) "Source-separated yard waste" means yard waste that has been separated at the point of generation or at the point of collection from other solid wastes. Source separation includes, but is not limited to, such measures as placing yard waste in portable containers and compartments of portable containers dedicated to yard waste collection, and in vehicles dedicated to yard waste collection.

~~(31)~~(30) "Surface water" means any water on the surface of the earth.

(T)

(1) "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include such intangibles as goodwill and rights to patents or royalties.

~~(2) "Thermophilic stage" means a biological stage in the composting process characterized by a high rate of decomposition, large heat generation, and temperatures, generally above one hundred degrees Fahrenheit.~~

~~(3)~~(2) "Tire" for purposes of fee collection only is defined in section 3734.90 of the Revised Code. "Tire" and "scrap tire" as used in Chapter 3745-27 of the Administrative Code and the definitions in this rule are not restricted to motor vehicle tires but includes all pneumatic tires.

[Comment: The definition of "tire" found in section 3734.90 of the Revised Code applies only to the collection of the state fee on the sale of new tires by a wholesaler.]

~~(4)~~(3) "Tire adjustment center" means a premises to which defective new tires and tires returned for warranty adjustment are shipped for analysis of failure and final disposition.

~~(5)~~(4) "Tire derived fuel" (TDF) or "tire derived chips" (TDC) means a uniformly shredded product obtained from whole tires where the maximum size of ninety-five per cent of the shreds are less than four inches in any dimension. TDC may be used as a civil engineering material or as feedstock for the manufacturing of crumb rubber or other tire derived material. TDC is defined using the ASTM "Standard Practice for Use of Scrap Tires in Civil Engineering Applications," (D6270-98) (www.astm.org), section 3.1.29, for x-minus classified, size reduced scrap tires.

~~(6)~~(5) "Tire manufacturing finishing center" means premises where tires are manufactured, inspected, and processed to either finished stock or scrap.

~~(7)~~(6) "Tire retreading business" means premises where scrap tires are recycled by processing the scrap tire and attaching a new tread to the used tire casing.

~~(8)~~(7) "Tire sidewall" means the flat circular part of a tire left after the tread has been cut away. Tire sidewall does not include a bagel cut tire or any cut tire where a portion of the tread remains attached to the sidewall.

~~(9)~~(8) "Treat" or "treatment" when used in connection with infectious wastes, means any method, technique, or process ~~designed to render~~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, ~~or and~~, in the instance of wastes identified in division (R)(7) of section 3734.01 of the Revised Code, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(U)

(1) "Unit" means a discrete area within the limits of waste placement of a sanitary landfill facility, for which the owner or operator is authorized to dispose of solid waste, that is delineated by the owner or operator for the purpose of complying with the siting, construction, operational, closure ~~or~~ or post-closure care ground water monitoring, and financial assurance requirements of Chapter 3745-27 of the Administrative Code.

(2) "Unstable area" means a location that is susceptible to natural or human induced events or forces capable of impairing the integrity of some or all of the structural components of a landfill that are responsible for preventing releases from the landfill and can include areas where on-site or local soil conditions result in significant differential settling; areas where the downslope movement of soil or rock due to gravitational influence occurs; or areas where the lowering or collapse of the land surface occurs either locally or over broad regional areas.

(3) "Used tire" means a whole scrap tire. A used tire remains a scrap tire until it has been reused by being installed on a vehicle or trailer.

(V)

- (1) "Vertical expansion" means the extension of the vertical boundary of waste placement that occurs prior to beginning, or being required to begin, closure activities in accordance with rule 3745-27-11 of the Administrative Code. A vertical expansion is a "modification" as that term is defined in rule 3745-27-02 of the Administrative Code. A vertical expansion is not a "unit."

(W)

- (1) "Waste handling area" means any area of a solid waste facility where solid wastes are stored, loaded, unloaded, baled, shredded, crushed, compacted, or otherwise processed or subjected to salvaging activities. Waste handling areas do not include vehicle staging or vehicle storage areas.

[Comment: For definitions of other types of waste handling areas please see "infectious waste handling area" and "scrap tire handling area."]

- (2) "Water pollution" means the unpermitted release of sediment from disturbed areas, solid waste or waste-derived constituents, or leachate to the waters of the state.
- (3) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters.
- (4) "Wetland" means any area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- ~~(5) "Windrow" means an elongated pile of solid waste constructed to promote composting.~~
- ~~(6)~~(5) "Working face" means that portion of a sanitary landfill facility where solid wastes are unloaded for final deposition.

(X) [Reserved.]

(Y)

- (1) "Yard waste" means solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, and prunings from trees or shrubs and vegetative waste resulting from the use of commercial products, including but not limited to discarded flowers, potted flowers, or grave blankets that do not include plastic, metal, styrofoam, or other non-biodegradable material. Yard waste does not include industrial ~~or~~ agricultural processing wastes or food processing.

~~[Comment: The intent of this definition is to identify a general type of vegetative waste resulting from the care and maintenance of landscaped areas, lawns, and gardens that has been collected for the purpose of disposal or composting. Vegetative waste resulting from the use of commercial products, such as discarded flowers, potted flowers, or grave blankets that do not include plastic, metal, styrofoam, or other non-biodegradable material would be considered a yard waste. Vegetative waste from industrial processing such as food processing waste is not a yard waste.]~~

- ~~(2) "Yard waste composting facility" means a composting facility receiving only yard wastes, bulking agents, or additives as specified in rule 3745-27-40 of the Administrative Code.~~

(Z)

- (1) "Zone of saturation" means that part of the earth's crust, excluding the capillary zone, in which all voids are filled with water.
- (2) "Zoonotic agent" means a type of microorganism, helminth pathogen, ~~or virus,~~ or proteinaceous infectious particle that causes disease in vertebrate animals ~~and that,~~ is transmissible to human beings and ~~causes~~ can cause or significantly ~~contributes~~ contribute to the ~~cause of increased morbidity~~ disease ~~in or mortality~~ death of human beings.

Effective:

R.C. 119.032 review dates: 11/29/2012

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.021, 3734.028, 3734.12, 3734.50,
3734.70, 3734.71, 3734.72, 3734.73, 3734.74
Rule Amplifies: 3734.01, 3734.02, 3734.12, 3734.50, 3734.51,
3734.70, 3734.71, 3734.72, 3734.73, 3734.74,
3734.84, 3734.86
Prior Effective Dates: 07/28/1976, 03/01/1990, 05/31/1991, 06/01/1994,
02/01/1995, 12/25/1998, 01/28/2002, 08/15/2003,
07/01/2004