

3745-500-02

**General administration- definitions.**

As used in this chapter and any chapter making these definitions applicable, terms in this rule are defined as follows:

(A)

(1) "Administrative change" means an amendment to an authorizing document that does not constitute a modification or alteration to the facility or permit to install for the facility. An administrative change is not an action.

(2) "Applicant" means any person who has applied for authorization in accordance with rules adopted under Chapter 3734. of the Revised Code.

(3) "Approved board of health" means a board of health of a health district placed on the approved list by the director in accordance with section 3734.08 of the Revised Code.

(4) "Asbestos-containing waste materials" has the same meaning as in rule 3745-20-01 of the Administrative Code.

[Comment: Asbestos-containing waste materials includes asbestos-containing materials regulated under NESHAP, 40 CFR Part 61, Subpart M.]

(5) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular person.

(6) "Authorizing document" means a document issued, approved, or concurred with by the director, Ohio EPA, an approved board of health, the Ohio environmental review appeals commission, or a court of competent jurisdiction that describes activities that a person is either required to do, allowed to do, or prohibited from doing, pursuant to and in compliance with applicable rules, statutes, and orders. Authorizing document includes but is not limited to a permit, license, registration, acknowledgment of registration, plan, alteration, approval to use an alternative material, and order.

(B) "Board of health" means the board of health of a city or general health district, the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code, or a representative delegated by the board of health to act on behalf of the board of health.

(C)

(1) "Compost facility" means a site, location, tract of land, installation, or building used for composting of solid waste in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.

(2) "Constituent" means a compound or element suspended in, dissolved in, mixed in, or comprising a liquid, gas, or solid.

(3) "Construct" means to build, reconstruct, or repair when such activity affects any engineered component of a facility. Construct does not include routine maintenance activities.

(4) "Construction and demolition debris" or "C&DD" has the same meaning as section 3714.01 of the Revised Code.

(D)

(1) "Developed spring" means any spring that has been modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water.

(2) "Director" means the director of environmental protection or the director's authorized representative.

(3) "Disposal" has the same meaning as in section 3734.01 of the Revised Code.

(4) "Disposal limits" means the horizontal and vertical boundaries within the solid waste facility where solid waste has been disposed, is being disposed, or will be disposed within those boundaries.

(E)

(1) "Establish" or "establishment" of a facility means to dispose of waste or construct or install any facility components and includes excavation that is related to the construction of a facility or any components thereof. Establish or establishment includes conducting such activities at any location not authorized to dispose of waste. Establish or establishment does not include clearing, grubbing, or installing ground water monitoring wells.

(2) "Execute" means to complete and sign a document acceptable to the director for the purpose of establishing a financial assurance instrument.

(3) "Exemption" means a discretionary action of the director that relieves the applicant from a requirement of Chapter 3734. of the Revised Code or any rule adopted thereunder.

(F) [Reserved.]

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

(H)

(1) "Hazardous waste" means hazardous waste as defined in Chapter 3734. of the Revised Code and includes 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 section 3709.11 or 3709.14 of the Revised Code or the health commissioner's authorized representative.

(3) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.

(I) "Independently audited" means reviewed 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.

(J) [Reserved.]

(K) [Reserved.]

(L)

(1) "Leachate" means liquid that has come in contact with or been released from solid waste.

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

(3) "Licensing authority" means the approved board of health or in the absence of an approved board of health, the director.

(M) [Reserved.]

(N) "Nuisance" means anything that 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 dwelling" means the following, but does not include a dwelling owned or controlled by the owner or operator of a facility to which the siting

criteria are being applied:

- (a) A building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence. For the purposes of this definition, "owner" means a person with the right to exclusive use, control, or possess a building.
  - (b) A place of worship as defined in section 5104.01 of the Revised Code.
  - (c) a child day-care center as defined in section 5104.01 of the Revised Code.
  - (d) A hospital as defined in section 3727.01 of the Revised Code.
  - (e) A nursing home as defined in section 3721.01 of the Revised Code.
  - (f) A school.
  - (g) A restaurant or other eating establishment.
- (2) "Occupied structure" means an enclosed structure where one or more human beings may be present, but does not include structures that are open to natural free air circulation such that the explosive gas hazard is minimized.
- (3) "Ohio EPA" means Ohio environmental protection agency.
- (4) "Open burning" means one of the following:
- (a) The burning of solid wastes in an open area.
  - (b) The 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.
- (5) "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 rules adopted thereunder.
  - (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 Chapter 3734. of the Revised Code and rules adopted thereunder.

(c) The deposition of solid wastes that consist of scrap tires in buildings, trailers, or other vehicles, unless for fewer than fourteen days at a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.

(d) The deposition of untreated or treated infectious wastes into waters of the state, and also means the final deposition of untreated or treated 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 rules adopted thereunder.

(6) "Operator" or "facility operator" means any person who has supervisory authority or the authority to make discretionary decisions concerning the construction, operation, maintenance, or monitoring of a solid waste facility, C&DD facility, infectious waste treatment facility, or scrap tire transportation business.

(7) "Owner" means the person who holds title to the land on which the solid waste facility, C&DD facility, infectious waste treatment facility, or scrap tire transportation business is located or the person who owns a majority or controlling interest in the facility or business.

(P)

(1) "Parameter" means a measurable factor of a liquid, gas, or solid such as temperature, pH, length, or elevation, and includes constituents of the liquid, gas, or solid.

(2) "Permitting authority" means the director.

(3) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code, or other entity.

(4) "Premises" means either of the following:

(a) Geographically contiguous property owned by the same person.

(b) Noncontiguous property that is owned by the same person and connected by a right-of-way that the person controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by one or more public or private right-of-way are a single premises.

(5) "Professional engineer" means an individual authorized to practice the profession of engineering pursuant to Chapter 4733. of the Revised Code.

(6) "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.

(Q) [Reserved.]

(R) "Registrant" means any person to whom a registration certificate has been issued.

(S)

(1) "Scrap tire" has the same meaning as section 3734.01 of the Revised Code.

(2) "Solid waste" has the same meaning as section 3734.01 of the Revised Code.

(3) "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.

(4) "Solid waste facility" means a site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for collection, storage, or processing of the solid wastes; or for the transfer of solid wastes.

(5) "Solid waste management district" means a county that has established a resolution, or joint counties that 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 waste 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.

(6) "Surface water" means any water on the surface of the earth.

(T) [Reserved.]

(U) [Reserved.]

(V) "Variance" means an action of the director that changes a requirement of a rule adopted under Chapter 3734. of the Revised Code.

(W)

(1) "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.

(2) "Waters of the state" means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters, including those waters that are presently used, have been used, or are susceptible to use for transporting interstate commerce up to the head of navigation.

(3) "Water supply well" includes potable and non-potable water supply wells.

(4) "Wetland" has the same meaning as in rule 3745-1-02 of the Administrative Code.

(X) [Reserved.]

(Y) [Reserved.]

(Z) "Zone of saturation" or "saturated zone" means that part of the earth's crust in which all voids are filled with water. Zone of saturation or saturated zone does not include the capillary zone.

Effective:

R.C. 119.032 review dates:

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Certification

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Date

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