

3745-560-200

Class II composting facility establishment.

(A) No person shall establish a new class II composting facility or continue to operate an existing facility without first having submitted the following:

- (1) A registration application in accordance with this rule.
- (2) An executed financial assurance instrument pursuant to rule 3745-503-05 of the Administrative Code for an amount not less than the current closure cost estimate established in accordance with rule 3745-560-05 of the Administrative Code.

(B) No person shall operate a class II composting facility without first having obtained a solid waste license pursuant to Chapter 3745-501 of the Administrative Code.

(C) Registration of class II composting facility. A registration application shall include the following:

- (1) Registration form prescribed by the director including but not limited to business name, contact person including operator and property owner, contact information, location of the proposed composting facility, closure cost estimate, and a statement certifying compliance with the siting criteria specified in paragraph (D) of this rule.
- (2) Plan view drawing, using a scale of one inch equals no greater than one hundred feet, showing the following information inside the facility boundaries and within five hundred feet beyond the facility boundaries:
 - (a) The property lines of land owned or leased for the composting facility.
 - (b) The boundary lines for the composting facility.
 - (c) Public roads, railroads, and structures.
 - (d) Existing topography showing contours, streams, wetlands, lakes, springs, and other surface waters of the state.
 - (e) The north arrow.
 - (f) Boundary lines for the materials placement area based on the design capacity and the operational capacity, if the operational capacity is different than the design capacity. The boundary lines shall include the areas for each of the following:
 - (i) Composting and materials processing.

- (ii) Receiving and storage of feedstocks, bulking agents, or additives.
 - (iii) Storage of alternative materials authorized pursuant to rule 3745-560-205 of the Administrative Code and the composting processing area dedicated to these materials.
 - (iv) Storage of compost product.
 - (g) Existing occupied dwellings.
 - (h) Any leachate management structure.
 - (i) The limits of the one hundred year floodplain.
 - (j) National park or national recreation areas, candidate areas for potential inclusion into the national park system, and any state park or established state park purchase areas.
 - (k) Any state or Ohio history connection nature preserves, state wildlife areas and national wildlife refuges, national and state wild scenic and recreational rivers, special interest areas and research natural areas in the Wayne national forest, state resource waters, coldwater habitats, and exceptional warmwater habitats.

[Comment: Both the Ohio department of natural resources and the Ohio history connection, formerly the Ohio historical society, designate state nature preserves in Ohio.]
 - (l) Existing public water supply wells, developed springs, or private potable water supply wells.
 - (m) Existing drainage sinkholes or agricultural drainage wells.
 - (n) The direction of the downward slopes and drainage for the materials placement area.
- (3) Calculation of the design capacity of the composting facility.
- (4) Calculation of the operational capacity of the composting facility which shall be less than or equal to the design capacity of the composting facility. Facilities accepting authorized alternative materials upon initial registration shall also specify the maximum capacity and area dedicated to alternative materials.
- (5) Copies of consent letters pursuant to paragraph (D) of this rule.

- (6) Copies of the letters of intent required in paragraph (E) of this rule.
- (D) On the date the registration application is received by Ohio EPA, the limits of materials placement and leachate management structures shall meet the following siting criteria:
- (1) Unless located in an enclosed building, materials placement area and leachate management structures shall not be located within the following:
 - (a) Two hundred feet from any surface waters of the state.
 - (b) Three hundred feet from a known sinkhole or agricultural drainage well.
 - (c) The sanitary isolation radius of public water system drinking water supply wells as calculated using the formulas specified in rule 3745-9-04 of the Administrative Code.
 - (d) Three hundred feet from a private water system drinking water supply well that is not controlled by the facility.
 - (e) Fifty feet from a private water system drinking water supply well that is controlled by the facility owner.
 - (f) Three hundred feet from a transient non-community public water system drinking water supply well.
 - (g) Two hundred fifty feet from an occupied dwelling, unless the occupied dwelling is owned or leased by the owner or operator or the owner or operator has received written consent from the owner of the occupied dwelling.
 - (h) Five hundred feet from the following:
 - (i) An area designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state scenic river.
 - (ii) An area designated, owned, and managed by the Ohio history connection as a nature preserve.
 - (iii) An area designated by the United States department of the interior as either a national wildlife refuge or a national scenic river.

- (iv) An area designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.
 - (v) Surface waters of the state designated by Ohio EPA as either a state resource water, an outstanding national resource water, a superior high quality water, a coldwater habitat, or an exceptional warmwater habitat.
 - (i) A one hundred year floodplain, unless the owner or operator demonstrates in the registration application that the facility will be designed, constructed, operated, and maintained to prevent washout of any waste materials by a one-hundred-year flood.
 - ~~(j) Five hundred feet from an occupied dwelling unless the occupied dwelling is owned or leased by the owner or operator or the owner or operator has received written consent from the owner of the occupied dwelling.~~
 - ~~(k)~~(j) The inner management zone (one year time of travel) of a drinking water source protection area for a community or non-transient, non-community public water system using ground water.
- (2) The portions of the materials placement area and leachate management structures located within an enclosed building shall comply with paragraphs (D)(1)(h) to (D)(1)(j) of this rule.
- For the purposes of this rule, an "enclosed building" means a structure with a low-permeability floor, walls, doors, and a roof that is capable of enclosing all waste handling areas, preventing rain from reaching the enclosed waste handling areas, and containing and collecting leachate within the enclosed waste handling areas.
- (3) Except for facilities which exclusively compost wastes generated within state parks or national parks, or national recreation areas, as of the date the initial registration application was submitted, the materials placement areas and leachate management system of the composting facility shall not be located in any one or combination of the following:
- (a) A national park or national recreation area.
 - (b) A state park or an established state park purchase area.
 - (c) A candidate area for potential inclusion in the national park system.

- (d) A property that lies within the boundaries of a national park or national recreation area but that has not been acquired or is not administered by the secretary of the United States department of the interior.
- (E) Concurrent to submittal of the registration application, letters of intent to establish a composting facility which include a description of property and facility boundaries shall be sent by certified mail or any other form of mail accompanied by a receipt requested to the following:
 - (1) The governments of the general purpose political subdivisions where the facility is proposed to be located including but not limited to local health departments, county commissioners, legislative authority of a municipal corporation, or the board of township trustees.
 - (2) The single or joint county solid waste management district or districts or regional solid waste management authority or authorities where the facility is proposed to be located.
 - (3) The owner or lessee of any easement or right of way bordering or within the proposed facility boundaries which may be affected by the proposed solid waste facility.
 - (4) The local zoning authority having jurisdiction.
 - (5) The park system administrator, if any part of the proposed facility is to be located within or will share the park boundary.
 - (6) The conservancy district, if any part of the proposed facility is to be located within or will share the conservancy district boundary.
 - (7) The fire department having responsibility for providing fire control services where the proposed facility is to be located.
- (F) Upon written notification by Ohio EPA that the registration application is incomplete, the applicant shall correct noted deficiencies and resubmit the registration application not later than thirty days after receipt of the notification.
- (G) Amendments to an existing registration. The registrant shall ensure that changes to the composting facility are in compliance with applicable regulations and all information contained on the plan view drawing and registration application is current by submitting an amended registration application as follows:

- (1) An amendment to an existing registration is required for changes in the information on the registration application, which may include but is not limited to the information required by paragraph (C) of this rule.
 - (2) An amendment to an existing registration involving any proposed change to the materials placement area shall include a revised plan view drawing submitted prior to implementation of any change. The plan view drawing shall include the information required in this rule. Any change to the materials placement area requires written concurrence from Ohio EPA acknowledging compliance with this chapter. If the amendment to the existing registration does not involve any proposed changes to the existing registration's plan drawing, the amendment may reference the existing registration's plan drawing.
- (H) Composting facilities registered prior to April 2, 2012 shall comply with siting criteria in effect on the date of initial registration.

Effective:

Five Year Review (FYR) Dates: 5/13/2023

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.12
Rule Amplifies: 3734.02, 3734.05, 3734.12
Prior Effective Dates: 04/02/2012, 10/01/2018