

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 as described in rule 3745-500-03 of the Administrative Code.]

- (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 in section 3714.01 of the Revised Code.
- (5) "Convert" means to alter the physical or chemical nature or properties.

(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 includes permitting a pre-existing building for use as a solid waste transfer facility. 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.~~

- (1) "Feedstock" means a solid waste that will readily decompose during the composting process including but not limited to yard waste, agricultural waste, animal waste, food scraps, animal carcasses, raw rendering material, and mixed solid waste.
- (2) "Food scraps" means food residuals including but not limited to vegetables, fruits, grains, dairy products, meats, and the compostable packaging that may be commingled.
- (3) "Functionally equivalent," means when a practice, method, technique, procedure, design, material, or component performs the same function and provides the same or improved utility as is being required through the rule.

(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.~~

(1) "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.

(2) "Infectious waste" has the same meaning as in section 3734.01 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).~~

(1) "Natural area" means any of the following:

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

(b) Areas designated, owned, and managed by the Ohio historical society as a nature preserve.

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

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

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

(2) "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) "Park" means any of the following:
- (a) A state park established or dedicated under Chapter 1541. of the Revised Code.
- (b) A state park purchase area established under section 1541.02 of the Revised Code.
- (c) A unit of the national park system, or any property located in Ohio that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, or any candidate area located in Ohio and identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as defined in rule 3745-500-03 of the Administrative Code, current on the date Ohio EPA received the permit to install application.
- (2)(3) "Permitting authority" means the director.

~~(3)~~(4) "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)~~(5) "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)~~(6) "Professional engineer" means an individual authorized to practice the profession of engineering pursuant to Chapter 4733. of the Revised Code.

(7) "Professional surveyor" means an individual authorized to practice the profession of surveying pursuant to Chapter 4733. of the Revised Code.

~~(6)~~(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.

(Q) [Reserved.]

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

(1) "Recycling" means converting solid waste that would otherwise be disposed and returning the converted material to commerce as a commodity for use or exchange in an established and legitimate market. Recycling is not reuse, storage, disposal, or transfer.

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

(3) "Reuse" means taking a solid waste that would otherwise be disposed and using it for its original purpose or a similar purpose, without converting the material. Reuse does not include using solid waste as fill. Reuse is not recycling, storage, transfer, or disposal.

(S)

- (1) "Scrap tire" has the same meaning as in section 3734.01 of the Revised Code.
- ~~(2)~~ "Scrap tire facility" includes but is not limited to a scrap tire collection facility, scrap tire storage facility, scrap tire recovery facility, scrap tire monofill facility, and scrap tire monocell facility.
- ~~(2)~~~~(3)~~ "Solid waste" has the same meaning as in section 3734.01 of the Revised Code.
- ~~(3)~~~~(4)~~ "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)~~~~(5)~~ "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)~~~~(6)~~ "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.
- ~~(7)~~ "Solid waste 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 the following:
- (a) Any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less, as long as the waste is not placed on the ground or on the waste handling floor.
- (b) Any facility that accepts only source-separated recyclables or commingled recyclables that are currently recoverable utilizing existing technology.
- (c) Any facility where recycling activities are conducted and meets the

following:

- (i) The facility does not hold a solid waste transfer facility license.
- (ii) Recovers for recycling not less than sixty per cent of the weight of solid waste brought to the facility each month (as averaged monthly) for not fewer than eight months in each calendar year.
- (iii) Disposes of not more than forty per cent of the total weight of solid waste brought to the facility each month (as averaged monthly) for not fewer than eight months in each calendar year.

(d) A facility identified as any of the following:

- (i) A solid waste disposal facility used for incineration or sanitary landfilling, including where the acceptance, unloading, processing, loading, and transport of solid waste for disposal are conducted within the boundary of the solid waste disposal facility.
- (ii) A scrap tire collection, storage, recovery, monocell, or monofill facility operating in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
- (iii) A construction and demolition debris facility operating in accordance with Chapter 3714. of the Revised Code and rules adopted thereunder where the operator has removed unauthorized solid waste from loads of C&DD for transport and management in accordance with Chapter 3734. of the Revised Code.

~~(6)~~(8) "Surface water" means any water on the surface of the earth.

(T) ~~[Reserved.]~~ "Technologically enhanced naturally occurring radioactive material" or "TENORM" has the same meaning as in section 3748.01 of the Revised Code.

(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.]~~ "Yard waste" means solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, 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 wastes from industrial processing, agricultural processing, or food processing.
- (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: 04/01/2017

Five Year Review (FYR) Dates: 05/04/2016 and 04/01/2022

CERTIFIED ELECTRONICALLY

Certification

09/21/2016

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.12
Rule Amplifies: 3734.01, 3734.02, 3734.12
Prior Effective Dates: 04/02/2012