3745-27-02 Permit to install.

(A) Except as provided in paragraph (D) of this rule, no person shall establish or modify a solid waste facility or infectious waste treatment facility without obtaining a permit to install issued by the director.

(B) For the purposes of this chapter, "establish" or "establishment" of a sanitary landfill facility or infectious waste treatment facility means to construct or install any of the proposed facility components, and includes excavation that is related to the construction of a facility or any components thereof. Establish or establishment does not include clearing and grubbing.

(C) For the purposes of this chapter, "modify" or "modification" means the following:

(1) A sanitary landfill facility undergoing any of the following:

(a) A substantial horizontal or vertical increase in the limits of waste placement including but not limited to those modifications specified in division (A)(2)(d) of section 3734.05 of the Revised Code.

[Comment: A reduction to the limits of waste placement or total capacity by itself is generally not considered to be a modification, unless the reduction also results in other substantial changes to the facility such that paragraph (C)(1)(b) of this rule is applicable.]

(b) Any change which may endanger human health or the environment, including but not limited to a change to operation, technique of waste receipt, type of waste received, or design or construction of the facility, as determined by the director.

(2) An infectious waste treatment facility undergoing any of the following:

(a) A substantial change in waste handling at the facility including but not limited to the following:

(i) Type of waste received.

(ii) Any change in the facility's treatment technology or technologies.

(b) An increase in the treatment capacity. For the purposes of this rule, "treatment capacity" means the maximum amount of waste permitted by Ohio EPA to be charged into the treatment unit per hour, or the engineered throughput capacity per hour if no such permitted capacity is authorized.

(c) Any other substantial change which may endanger human health or the environment.

(3) A solid waste incinerator or solid waste energy recovery facility undergoing the following:

(a) Any substantial expansion of the waste handling area.

(b) Any substantial change to the location of the waste handling area.

(D) Exceptions. The following facilities do not need to obtain a permit to install:

(1) A solid waste facility used for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or Chapter 6111. of the Revised Code.

(2) A municipal solid waste landfill subject to the interim composite liner/leachate collection system specifications pursuant to rule 3745-27-20 of the Administrative Code.

(3) An infectious waste treatment facility owned or operated by the generator of the wastes who treats wastes

generated at any premises owned or operated by the generator.

(4) An infectious waste treatment facility owned or operated by a hospital, as defined in section 3727.01 of the Revised Code, which treats any of the following:

(a) Sharp wastes generated by a generator who has staff privileges at that hospital and produces fewer than fifty pounds of infectious wastes in any one month.

(b) Wastes generated in providing care to a patient by an emergency medical service organization, in accordance with section 4765.01 of the Revised Code.

(c) Wastes generated by an individual for purposes of the individual's own care or treatment.

(5) An infectious waste treatment facility that holds a license to operate a crematory facility issued in accordance with Chapter 4717. of the Revised Code and a permit issued in accordance with Chapter 3704. of the Revised Code.

(6) An infectious waste treatment facility that treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 U.S.C Title 21.~~.~~

(b) Chapter 918. of the Revised Code.

(c) Chapter 953. of the Revised Code.

(7) A unit of a hazardous waste facility subject to the hazardous waste facility installation and operation permit specifications pursuant to Chapter 3734. of the Revised Code.

(8) A solid waste facility that holds a current registration pursuant to Chapter 3734. of the Revised Code and the rules adopted thereunder.

(E) Permit to install application.

(1) A person proposing to establish or modify a solid waste facility or infectious waste treatment facility shall submit an application for a permit to install with accompanying detail plans and specifications to the director as deemed necessary in order to determine whether the criteria for approval have been met.

(2) An application for a permit to install shall be accompanied by a nonrefundable application fee established in Chapters 3734. and 3745. of the Revised Code.

(3) An applicant for a permit to install, other than for a modification, shall file a disclosure statement on a form developed by the attorney general with the director and the attorney general at the same time the applicant files an application for a permit to install with the director.

(4) An application for a permit to install shall be signed by either the owner or operator of the facility and be one of the following:

(a) In the case of a corporation, a principal executive officer of at least the level of vice president, or a duly authorized representative, if such representative is responsible for the overall operation of the facility.

(b) In the case of a partnership, a general partner.

(c) In the case of a limited liability company, a manager, member, or other duly authorized representative of the limited liability company, if such representative is responsible for the overall operation of the facility.

(d) In the case of sole proprietorship, the owner.

(e) In the case of a municipal, state, federal, or other governmental facility, the principal executive officer, the ranking elected official, or other duly authorized employee.

(5) The signature on the application for a permit to install shall constitute personal affirmation that all statements or assertions of fact made in the application are true and complete, comply fully with applicable state requirements, and subject the signatory to liability under those state laws forbidding false or misleading statements.

(6) Not later than thirty days after the public meeting on the application~~,~~ as specified in division (A)(2)(d) of section 3734.05 of the Revised Code, a copy of the transcript of the public meeting, copies of any exhibits, displays, or other materials presented by the applicant at the meeting, and the original copy of any written comments submitted at the meeting shall be submitted to the director by the owner or operator of a municipal solid waste landfill, industrial solid waste landfill, or residual waste landfill.

(F) A permit to install shall be issued, modified, revoked, or denied and may be appealed in accordance with Chapters 3745-47 and 3745-49 of the Administrative Code and section 3734.09 of the Revised Code.

(G) Issuance of the permit to install.

(1) In deciding whether to issue or deny a permit to install, the director shall evaluate whether the construction, operation, closure, and if applicable, post closure care of the facility is capable of fulfilling all appropriate regulatory requirements for protecting surface water, ground water, and air by soliciting the input and coordinating the issuance of the permit to install with all relevant divisions of Ohio EPA, as specified in the appendix to this rule. The director may consult with other divisions or persons as the director deems appropriate.

(2) In deciding whether to issue or deny a permit to install, the director may take into consideration the social and economic impact of the air contaminants, water pollutants, or other adverse environmental impact that may be a consequence of issuance of the permit to install.

(H) Terms and conditions.

(1) The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code.

(2) If the director determines that standards more stringent than those applicable in rules adopted under division (A) of section 3734.02 of the Revised Code and division (D) of section 3734.12 of the Revised Code, or standards pertaining to subjects not specifically addressed by those rules, are necessary to ensure that a solid waste facility constructed at the proposed location will not cause a nuisance, cause or contribute to water pollution, or endanger public health or safety, the director may issue a permit to install for the facility with such terms and conditions as the director finds necessary to protect public health and safety and the environment. If a permit to install is issued, the director shall state in the order issuing it the specific findings supporting each such term or condition.

(I) Termination.

(1) A permit to install for a new facility shall terminate three years after the effective date of the permit to install if the owner or operator has not undertaken a continuing program of installation or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation of the new facility.

(2) The owner or operator may request the establishment of a new termination date by submitting to the director a justification for the extension of time and an analysis demonstrating that the facility continues to meet the applicable siting criteria and design standards established in the current version of rules adopted under Chapter 3734. of the Revised Code.

(3) The director may establish a new termination date not to exceed twelve months of the current effective date if the director determines that the owner or operator has adequately justified an extension of time and has demonstrated that the facility continues to meet the applicable siting criteria and design standards established in the current version of rules adopted under Chapter 3734. of the Revised Code.

(J) Administrative change to the permit to install. An administrative change to the permit to install is an amendment that does not result in a modification or alteration to the facility. A permit to install may be administratively changed for the following reasons:

(1) To update administrative information including but not limited to the telephone number, address, or name of the facility.

(2) To clarify or correct Ohio EPA typographical errors contained in the permit to install. Such changes shall be made solely for the purpose of clarification or correction of typographical errors and do not constitute a modification or alteration of the facility.

(3) To establish a new termination date of the permit to install in accordance with paragraph (I)(3) of this rule.

(K) Revocation of the permit to install. The director may revoke a permit to install if any of the following occur:

(1) Any cause that would require disqualification pursuant to division (A), (B), (D), or (E) of section 3734.44 of the Revised Code from receiving a permit to install upon original application.

(2) Fraud, deceit, or misrepresentation in securing the permit to install or in the conduct of the permitted activity.

(3) Offering, conferring, or agreeing to confer any benefit to induce any other individual or business concern to violate the provisions of Chapter 3734. of the Revised Code, any rule adopted thereunder, or of any other law relating to the transportation, transfer, treatment, storage, or disposal of solid wastes, infectious wastes, or hazardous wastes.

(4) Coercion of a customer by violence or economic reprisal or the threat thereof to utilize the services of any permit holder.

(5) Preventing, without authorization of the director, any individual or business concern from transferring or disposing of solid wastes or hazardous wastes at a permitted treatment, transfer, storage, or disposal facility other than a facility owned or operated by the permit holder, or preventing, without authorization of the director, any individual or business concern from treating infectious waste at a licensed infectious waste treatment facility other than a facility owned and operated by the permit holder.

(L) Compliance with this rule does not exempt any person from compliance with any other applicable law.

3745-27-02

Effective:	6/30/2023
Five Year Review (FYR) Dates:	4/11/2023 and 06/30/2028

CERTIFIED ELECTRONICALLY

Certification

06/16/2023

Date

Promulgated Under:	119.03
Statutory Authority:	3734.02, 3734.021, 3734.12, 3734.73
Rule Amplifies:	3734.02, 3734.021, 3734.05, 3734.09, 3734.12, 3734.44, 3734.73, 3734.76, 3734.77, 3734.78
Prior Effective Dates:	10/17/2003, 11/01/2007, 07/01/2008, 01/01/2017, 01/01/2021

APPENDIX I

		To be Reviewed by:	
Project Type	DSW	DAPC	DDAGW
Sanitary landfill Municipal Solid Waste Industrial Solid Waste Residual Waste Scrap Tire	X	X	X
Transfer Facility	X	X	
Infectious Waste Treatment	X	X	
Solid Waste Incinerator	X	X	
Scrap Tire Class I Storage and Recovery Facilities	X	X	

DSW - Division of Surface Water
DAPC - Division of Air Pollution Control
DDAGW - Division of Drinking and Ground Waters