

3745-555-01                    **Solid waste transfer facility - applicability.**

- (A) This chapter is the program chapter for transfer facilities.
- (B) This chapter is applicable to any person who establishes or is the owner or operator of a solid waste transfer facility.

[Comment: The transfer of solid waste that is governed by this chapter is not subject to Chapter 3745-27 of the Administrative Code unless an order or authorizing document specifies otherwise.]

- (C) Rules 3745-555-101 to 3745-555-199 of the Administrative Code are applicable as specified in rule 3745-555-320 of the Administrative Code.
- (D) Applicability of rules 3745-555-600 to 3745-555-699 of the Administrative Code. The owner or operator of a solid waste transfer facility shall comply with the following:
- (1) For a transfer facility that accepts exclusively source-separated yard wastes for transfer, comply with rule 3745-555-690 of the Administrative Code.
  - (2) For a transfer facility that does not accept exclusively source-separated yard wastes for transfer, comply with rules 3745-555-610 to 3745-555-680 of the Administrative Code.
- (E) In addition to the rules made applicable by reference in this chapter, the following rules also apply:
- (1) Rule 3745-500-01 of the Administrative Code, which pertains to the applicability of Chapter 3745-500 of the Administrative Code.
  - ~~(1)~~(2) Rule 3745-500-35 of the Administrative Code, which pertains to relationships among authorizing documents, rules, and the authority of the director and board of health.
  - ~~(2)~~(3) Rule 3745-500-130 of the Administrative Code, which pertains to retention and distribution of authorizing documents.
- (F) Chapter 3745-501 of the Administrative Code, which pertains to licensing, is applicable to any person who establishes or operates a solid waste transfer facility ~~in lieu of Chapter 3745-37 of the Administrative Code.~~
- (G) Chapter 3745-502 of the Administrative Code, which pertains to solid waste fees, is applicable to any person who establishes or operates a solid waste transfer facility.

(H) Chapter 3745-503 of the Administrative Code, which pertains to financial assurance, is applicable to any person who establishes or operates a solid waste transfer facility in lieu of rule 3745-27-15 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-02

**Solid waste transfer facility - definitions.**

If a term used in this chapter is defined in rule 3745-500-02 of the Administrative Code, the definition of the term used in rule 3745-500-02 of the Administrative Code is applicable to this chapter unless the term is defined in this rule. As used in this chapter:

(A)

(1) "Aggregate volume" means the total volume of all portable containers designated at a transfer facility for receiving solid wastes. The total volume of containers at a transfer facility does not include the volume of an empty portable container being delivered to a transfer facility by a transport vehicle for purpose of removal of a full or partially full container of equal or greater volume, at the time of delivery of the empty container.

(2) "Alteration" means a change, other than a modification, variance, or exemption, to a transfer facility or to a permit to install issued pursuant to Chapter 3734. of the Revised Code for a transfer facility.

(B) [Reserved.]

(C) [Reserved.]

(D) [Reserved.]

(E) [Reserved.]

(F) [Reserved.]

(G) [Reserved.]

(H) [Reserved.]

(I) [Reserved.]

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) "Modification" means either of the following:

(1) A change to the limits of the waste handling area to encompass area not authorized by an existing permit.

(2) Any change in the technique of waste receipt or type of waste received at a transfer facility that may endanger human health or the environment.

(N) [Reserved.]

(O) [Reserved.]

(P) "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 transporting 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.

(Q) [Reserved.]

(R) [Reserved.]

(S) ~~"Source-separated~~

(1) "Source-separated yard waste" means yard waste that has been separated from other solid waste at the point of generation or at the point of collection. 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.

(2) "Storage" for the purposes of legitimate recycling and legitimate recycling facilities, has the same meaning as in section 3734.01 of the Revised Code.

(T)

(1) "Transfer facility" or "facility" has the same meaning as solid waste transfer facility.

(2) "Transfer facility boundary" means a line represented on drawings in an approved permit to install of a transfer facility that shall encompass at a minimum the area that includes the following:

(a) Waste handling areas.

(b) Leachate management system components included in the approved permit to install.

(c) Buildings and structures associated with solid waste transfer.

(d) Vehicle and container staging areas and vehicle and container storage areas where vehicles and containers contain waste.

(U) [Reserved.]

(V) [Reserved.]

(W) "Waste handling area" means any area of a transfer facility where solid wastes are loaded, processed, unloaded, or where uncontainerized solid wastes are stored. Processes include baling, shredding, crushing, and compacting. Waste handling area does not include vehicle staging areas, container staging areas, vehicle storage areas, and container storage areas.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-10

**General obligations for owners, operators, and applicants.**

(A) An applicant for an authorizing document, and an owner or operator that has obtained a permit to install or a license for a solid waste transfer facility pursuant to rules adopted under section 3734.02 of the Revised Code, shall comply with this chapter. The owner or operator of a transfer facility that accepts exclusively source-separated yard waste for transfer shall comply with this chapter. Compliance with this chapter does not relieve any person from the obligation to comply with any applicable statute, rule, or authorizing document.

[Comment: The owner or operator of a transfer facility who has established a solid waste transfer facility by obtaining a license to operate a solid waste transfer facility prior to May 31, 1991 (the effective date of rules adopted under division (A) of section 3734.02 and under division (D) of section 3734.12 of the Revised Code which require that no person shall establish a new solid waste transfer facility without first submitting an application for a permit) and did not modify the transfer facility after that date, is not required to obtain a permit to install, unless such owner or operator modifies the existing solid waste transfer facility.]

(B) No person shall operate a solid waste transfer facility without first obtaining a license to operate the solid waste transfer facility issued by the licensing authority. This requirement does not apply to a transfer facility that accepts exclusively source-separated yard waste for transfer.

(C) An owner or operator of a solid waste transfer facility shall obtain, maintain, and comply with all applicable permits and authorizations required by Chapters 3704. and 6111. of the Revised Code for the solid waste transfer facility.

(D) No person shall establish a new solid waste transfer facility or modify an existing solid waste transfer facility without first obtaining a permit to install issued in accordance with rule 3745-555-300 of the Administrative Code. This requirement does not apply to a transfer facility that accepts exclusively source-separated yard wastes for transfer.

(E) An owner or operator of a solid waste transfer facility shall maintain compliance with all permits to install, permit modifications and permit alterations, licenses, and orders issued in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.

(F) Except as provided in rule 3745-512-51 of the Administrative Code (alterations during construction), no person shall alter a solid waste transfer facility without first obtaining concurrence from Ohio EPA for an alteration to the permit to install for the solid waste transfer facility.

- (G) If the director orders the owner or operator to submit updated engineering detail plans, specifications, and information in accordance with division (A)(5) of section 3734.05 of the Revised Code, and no permit to install was issued pursuant to Chapter 3734. of the Revised Code, the owner or operator shall submit an application for a permit to install in accordance with rule 3745-555-300 of the Administrative Code as though the solid waste transfer facility were being established as a new transfer facility.
- (H) The permit to install shall remain in effect until the director has received, and approved in writing, certification that all required final closure activities were completed, unless the permit has expired in accordance with rule 3745-500-330 of the Administrative Code or was revoked in accordance with rule 3745-500-350 of the Administrative Code.
- (I) The owner or operator of a solid waste transfer facility may request the director to make an administrative change to the permit to install in accordance with rule 3745-500-360 of the Administrative Code.
- (J) The owner or operator of a recycling facility that recycles less than sixty per cent of the weight of solid waste received in any nine months during a rolling twelve-month period, or which no longer meets the definition of a legitimate recycling facility, shall submit a written notification to Ohio EPA of the intent to submit a permit to install application for a solid waste transfer facility in accordance with rule 3745-555-300 of the Administrative Code not later than ninety days after such triggering event, unless the owner or operator of the recycling facility immediately ceases waste acceptance and lawfully disposes of all remaining waste not later than ninety days after after such triggering event.
- (1) An owner or operator of a recycling facility who submitted a notification in accordance with paragraph (J) of this rule may continue to accept solid waste for not more than three hundred sixty-five days after such triggering event, unless extended by Ohio EPA, if the owner or operator of a recycling facility meets both of the following:
- (a) Has submitted a solid waste transfer facility permit to install application not later than one hundred eighty days after submittal of the notification.
- (b) Complies with the operational requirements contained in paragraphs (I) to (K) of rule 3745-555-610 of the Administrative Code.
- (2) Failure to comply with paragraph (J) of this rule may constitute open dumping.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.01, 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-20      **Variations, exemptions, alternatives, alterations, and administrative changes.**

(A) Variations.

- (1) Any person may apply for a variation from any provision of this chapter for which an exemption is not required.
- (2) A request for a variation and any action on the variation request shall be in accordance with rule 3745-500-210 of the Administrative Code.
- (3) The director shall not issue a variation that would authorize the establishment or expansion of a solid waste transfer facility within the boundaries of a park.

(B) Exemptions.

- (1) Any person may apply for an exemption from any provision of this chapter for which a variation is not required.
- (2) A request for an exemption and any action on the exemption request shall be in accordance with rule 3745-500-220 of the Administrative Code.
- (3) The director shall not issue an exemption that would authorize the establishment or expansion of a solid waste transfer facility within the boundaries of a park.

(C) Alternatives. The owner or operator of a solid waste transfer facility may request to use an alternative construction material to construct an engineered component in accordance with rule 3745-512-17 of the Administrative Code.

(D) Alterations.

- (1) The owner or operator of a solid waste transfer facility may request an alteration to an authorizing document.
- (2) A request for an alteration and any action on the alteration request shall be in accordance with rule 3745-500-150 of the Administrative Code.

(E) Administrative changes.

- (1) The owner or operator of a solid waste transfer facility may request an administrative change to a permit to install in accordance with rule 3745-500-360 of the Administrative Code.
- (2) The permitting authority may make an administrative change to a permit to install in accordance with rule 3745-500-360 of the Administrative Code.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-110

**Parks.**

The solid waste transfer facility shall not be located in a park, as that term is defined in rule 3745-500-02 of the Administrative Code, that is in existence on the date Ohio EPA receives the permit to install application.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-120

**Natural areas.**

The waste handling area of the solid waste transfer facility shall not be located within five hundred feet of a natural area, as that term is defined in rule 3745-500-02 of the Administrative Code, that is in existence on the date Ohio EPA receives the permit to install application.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-130

**Domiciles.**

The waste handling area of the solid waste transfer facility shall not be located within two hundred fifty feet of a domicile in existence on the date Ohio EPA receives the permit to install application.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-140

**Floodplains.**

The waste handling area of the solid waste transfer facility shall not be located in the one ~~hundred-year~~hundred year floodplain in existence on the date Ohio EPA receives the permit to install application.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-150

**Surface waters.**

The waste handling area of the solid waste transfer facility shall not be located within two hundred feet of any surface waters of the state as defined in rule 3745-1-02 of the Administrative Code in existence on the date Ohio EPA receives the permit to install application.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-200      **Engineered components.**

This rule applies to any person proposing a new or modifying an existing solid waste transfer facility in accordance with rule 3745-555-300 of the Administrative Code.

(A) A solid waste transfer facility shall have the following engineered components:

- (1) A building with a waste handling floor, walls, and a roof to enclose all waste handling areas.
- (2) A waste handling floor meeting the criteria in rule 3745-555-210 of the Administrative Code.
- (3) One or more conveyance pipes for leachate meeting the criteria in rule 3745-555-215 of the Administrative Code.
- (4) If leachate is not conveyed to a public sewerage system, a leachate holding tank meeting the criteria in rule 3745-555-216 of the Administrative Code.

(B) If leachate from a solid waste transfer facility is conveyed to a public sewerage system and a leachate holding tank is a component of the leachate management system, the leachate holding tank shall meet the criteria in rule 3745-555-216 of the Administrative Code.

(C) If a permit to install application proposes an engineered structure not specifically listed as an engineered component in paragraph (A) of this rule that the director determines is integral to the function of a required engineered component, the director shall identify in the permit such engineered structure as an integral part of the required engineered component. Such identified integral engineered structure shall be subject to the engineered component inspection and maintenance requirements of this chapter and such terms and conditions in the permit as necessary to ensure the function of the engineered component.

[Comment: Compliance with this rule does not relieve any person from the requirement to comply with Chapter 6111. of the Revised Code, and rules adopted thereunder.]

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-210      **Waste handling floor design.**

This rule is applicable as specified in rule 3745-555-200 of the Administrative Code.

The waste handling floor of the solid waste transfer facility shall be designed to do the following:

- (A) Be capable of withstanding the forces and loads encountered during normal transfer facility operations.
- (B) Collect and drain leachate and prevent any unauthorized discharge of leachate from the transfer facility. At a minimum, the design of the waste handling floor shall meet the following criteria:
  - (1) Include leachate collection points of sufficient size to accommodate the amount of leachate generated from waste handling and wet cleanup operations. The leachate collection points shall be connected to leachate conveyance pipes.
  - (2) Be sloped to direct leachate to the leachate collection points and not allow ponding of leachate.
  - (3) Prevent any unauthorized discharge of leachate from the waste handling area.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-215      **Conveyance pipes.**

This rule is applicable as specified in rule 3745-555-200 of the Administrative Code.

Conveyance pipes shall be designed to meet the following criteria:

- (A) Have a diameter and schedule capable of conveying the anticipated amount of fluid under anticipated operating pressures.
- (B) Be protected from damage caused by freezing temperatures, crushing, and deflection.
- (C) Be capable of being inspected for leaks.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-216      **Leachate holding tanks.**

[Comment: Pursuant to rule 3745-42-11 of the Administrative Code, industrial waste holding tanks, including leachate holding tanks, are also required to obtain a permit through Ohio EPA, division of surface water.]

This rule is applicable as specified in rule 3745-555-200 of the Administrative Code.

(A) Metal leachate holding tanks shall incorporate corrosion protection.

(B) Leachate load-out facilities shall be designed to meet the following:

- (1) Be protected from damage caused by freezing and facility operations.
- (2) Prevent releases of leachate from load-out facilities.
- (3) Contain spills and facilitate spill cleanup.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-300

**Permit to install application procedures.**

- (A) A person proposing to establish or modify a solid waste transfer facility shall submit an application for a permit to install as required by sections 3734.02 and 3734.05 of the Revised Code. The application shall contain all the information required in rule 3745-555-310 of the Administrative Code such that the director can determine if the criteria set forth in rule 3745-555-320 of the Administrative Code are satisfied.
- (B) An application for a permit to install shall be accompanied by the application fee prescribed in division (A)(2)(c) of section 3734.05 of the Revised Code.
- (C) For regulatory review purposes, the applicant shall submit the initial application and any subsequent revisions to the director and board of health ~~where~~of the health district in which the solid waste transfer facility is or will be located. Upon written request from Ohio EPA, the applicant shall submit additional and identically complete copies of the revised application to the director and shall sign the application in accordance with rule 3745-500-50 of the Administrative Code.
- (D) Any revisions to the permit application ~~must~~shall be pertinent to the director's review of the initial application. ~~Revisions to the application shall~~ and be accompanied by the following:
- (1) An index listing each change and the page where each change occurred.
  - (2) For each plan drawing, a schedule on the drawing indicating what has changed.
- (E) Prior or concurrent to submitting an application for a permit to install, the applicant shall submit to the divisions of Ohio EPA regulating air pollution and water pollution written notification of intent to establish or modify a solid waste transfer facility and a written request for information pertaining to any regulatory requirements under Chapter 3704. or Chapter 6111. of the Revised Code.
- (F) Concurrent to submitting the permit to install application for a proposed establishment of a solid waste transfer facility, the applicant shall apply for a license from the licensing authority.
- (G) Concurrent to submitting the permit to install application for a new solid waste transfer facility, the applicant shall submit in accordance with sections 3734.41 and 3734.42 of the Revised Code a disclosure statement to the attorney general's office as required in rules 109:6-1-01 to 109:6-1-04 of the Administrative Code.
- (H) If Ohio EPA determines that information in addition to that required by rule 3745-555-310 of the Administrative Code is necessary to determine whether the criteria set forth in rule 3745-555-320 of the Administrative Code are satisfied, Ohio

EPA may require that the applicant supply such information as a precondition to further consideration of the permit to install application.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-310

**Transfer facility permit to install application.**

The permit to install application shall contain detail engineering plans, specifications, and information. Detail shall be sufficient to allow clear understanding for technical review of the permit to install application and to provide assurance that the solid waste transfer facility is designed and can be constructed and operated in accordance with Chapter 3745-555 of the Administrative Code. The permit to install application shall contain the following:

(A) Plan sheets. The following detail engineering plans, specifications, and information for the transfer facility shall be shown by means of drawings and narrative descriptions where appropriate. Minimum dimensions of the plan drawings shall be twenty-four inches by thirty-six inches.

(1) The detail engineering plan cover sheet, to be numbered sheet 1, shall contain the following information:

(a) The name of the transfer facility.

(b) The precise geographic location and boundary of the transfer facility, to be shown on a road map.

(c) The name, address, and telephone number of the applicant.

(d) The name and address of the owner and operator of the transfer facility, if different from the applicant.

(e) The name and address of the person who prepared the plans.

(2) Plan drawings, to be numbered consecutively 2A, 2B, 2C, etc., shall show the following items located within the transfer facility boundary and within five hundred feet of the transfer facility boundary. A scale of one inch equals no greater than one hundred feet shall be used. If an item does not exist, a note shall be placed on the plan sheet.

(a) All plan drawings required by paragraph (A)(2) of this rule shall include the following:

(i) The property lines of all land owned or leased for the transfer facility which shall be surveyed by a professional surveyor as evidenced by the signature and seal of the professional surveyor.

(ii) The transfer facility boundary, waste handling areas, limits of the building enclosing waste handling areas, any solid waste vehicle staging and solid waste vehicle storage areas, any parking lots, and any storage areas for containerized waste.

- (iii) All public and private railroads and all public roads.
  - (iv) Existing topography showing vegetation and surface waters of the state, as defined in rule 3745-1-02 of the Administrative Code, with a contour interval no greater than five feet.
  - (v) The north arrow.
- (b) All existing domiciles.
  - (c) The limits of any one ~~hundred-year~~ hundred year floodplain.
  - (d) Parks.
  - (e) Natural areas.
  - (f) The names of the owner and lessee of the property shown pursuant to paragraph (A)(2)(a)(i) of this rule.
  - (g) All easements and rights of way bordering or within the proposed transfer facility boundary.
  - (h) The boundaries of all conservancy districts.
- (3) A plan drawing, to be numbered sheet 3 and signed and sealed by a professional engineer, shall show plan views of the following items. A scale of one inch equals no greater than fifty feet shall be used.
- (a) The location of all existing or proposed waste handling areas.
  - (b) The limits of the waste handling floor and location of the leachate collection points.
  - (c) The layout of the leachate management system including conveyance pipes, storage tanks, and clean-outs.
  - (d) The limits of the enclosing building.
  - (e) The location of scales, if any.
- (4) A plan drawing, to be numbered sheet 4, shall show profile views of all sides of the enclosing building.

(B) Reports. The following information:

- (1) If the application is to modify the transfer facility, a narrative description of the modification being requested.
- (2) Any variance or exemption requests from the requirements of this chapter, Chapter 3745-500, 3745-503, or 3745-512 of the Administrative Code.
- (3) Demonstrations of the following:
  - (a) That the transfer facility will meet the criteria for permit approval by the director specified in rule 3745-555-320 of the Administrative Code. The demonstration shall include calculations determining the limits of any one ~~hundred-year~~hundred year floodplains.
  - (b) That the waste handling floor will meet the criteria established in rule 3745-555-210 of the Administrative Code. The demonstration shall include calculations based on equipment weights to establish floor thickness, reinforcement, and specifications for materials.
  - (c) That the leachate management system is adequate to manage the amount of leachate due to waste handling and wet cleanup operations and that the storage capacity of any leachate holding tanks is adequate.
- (4) Cost estimates for transfer facility closure. Cost estimates shall include the following:
  - (a) The cost of removal and disposal of solid waste. The volume of solid waste shall be based on the maximum amount of waste that can be stored in the waste handling area and stored in containers within the facility boundary.
  - (b) The cost of removal and disposal of leachate.
  - (c) The cost of compliance with the closure requirements in rule 3745-555-700 of the Administrative Code.
- (5) Construction, testing, verification, and certification requirements that are not otherwise required by this chapter that are necessary to ensure that the engineered components can be constructed to conform to the transfer facility's design.
- (6) For establishment or expansion of a transfer facility, the disclosure statement as required in rules 109:6-1-01 to 109:6-1-04 of the Administrative Code.

- (7) For establishment or expansion of a transfer facility, a draft of the final closure financial assurance instrument to be executed and funded prior to waste acceptance.
- (8) For establishment of a new transfer facility, a copy of the application for a license.
- (9) For all applications, the following:
  - (a) Copies of letters of intent with copies of mail receipts. These letters of intent shall describe the intended establishment or modification of the transfer facility, shall include a description of property and transfer facility boundaries, and shall be sent via certified mail or another type of mail accompanied by a receipt to the following entities:
    - (i) The governments of the general purpose political subdivisions where the transfer facility is located (such as county commissioners, legislative authority of a municipal corporation, and the board of township trustees).
    - (ii) The single or joint county solid waste management district in which the transfer facility is located.
    - (iii) The owner or lessee of any easement or right of way bordering or within the transfer facility boundary.
    - (iv) The local zoning authority having jurisdiction, if any.
    - (v) The park system administrator, if any part of the transfer facility is located within or shares the park boundary.
    - (vi) The conservancy district, if any part of the transfer facility is located within or shares the conservancy district boundary.
    - (vii) The fire department having responsibility for providing fire control services where the transfer facility is located.
    - (viii) The divisions of Ohio EPA regulating air pollution and water pollution, including a written request for information pertaining to any regulatory requirements under Chapter 3704. or Chapter 6111. of the Revised Code.
  - (b) A list of the transfer facility's permits, licenses, plan approvals, authorizations, or other approvals that were applied for or that were issued and the name of the local, state, or federal office or agency where

application was made. This list shall include the date of issuance and expiration, if any, and any reference number associated with the permit, license, plan approval, authorization, or other approval.

- (c) Proof of property ownership or lease agreement to use the property as a transfer facility.
  - (d) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (10) A ~~notarized written certification~~ statement and signature in accordance with paragraph (B) of rule 3745-500-50 of the Administrative Code from each person who holds title to the land on which the transfer facility is located that each titleholder acknowledges that the applicant is submitting an application.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-320      **Permit to install issuance.**

- (A) When acting on a permit to install, the director shall follow the appropriate procedures set forth in rule 3745-500-120 of the Administrative Code, Chapter 3745-49 of the Administrative Code, and section 3734.09 of the Revised Code.
- (B) An application, notwithstanding any deficiency, may be considered and acted upon if sufficient information is contained in the detail engineering plans, specifications, and information for the director to determine whether the criteria set forth in this rule are satisfied.
- (C) Criteria for issuance. Except as provided in paragraph (B) of this rule, the director shall not issue a permit to install for a solid waste transfer facility unless the director determines that the following criteria are satisfied:
- (1) The transfer facility is capable of being constructed, operated, and closed in compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code and rules adopted thereunder.
  - (2) The permit to install application demonstrates that the transfer facility will conform to the siting criteria contained in rules 3745-555-110 to 3745-555-150 of the Administrative Code.
  - (3) The permit to install application demonstrates that the transfer facility is designed in accordance with rule 3745-555-200 of the Administrative Code.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-400

**License application requirements and procedures.**

- (A) An applicant for a license shall comply with Chapter 3745-501 of the Administrative Code.
- (B) In the case of an initial license, when the approved ~~board of health~~ district is the licensing authority, the licensing authority shall not issue a solid waste transfer facility license until the owner or operator has submitted a construction certification report in accordance with rule 3745-555-500 of the Administrative Code and the licensing authority has received written concurrence from Ohio EPA.
- (C) In the case of an initial license, when the director is the licensing authority, Ohio EPA shall not issue a solid waste transfer facility license until Ohio EPA has concurred with the construction certification report submitted in accordance with rule 3745-555-500 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-500

**Construction and construction certification requirements.**

The owner or operator of a solid waste transfer facility who holds a permit to install issued pursuant to Chapter 3734. of the Revised Code shall do the following:

- (A) Construct the transfer facility in accordance with the authorizing document.
- (B) Comply with rules 3745-555-500 to 3745-555-599 of the Administrative Code and with rules 3745-512-01, 3745-512-02, 3745-512-17, 3745-512-30, 3745-512-50, 3745-512-51, 3745-512-55, 3745-512-60, 3745-512-450 and 3745-512-460 of the Administrative Code.

Rules 3745-555-510 to 3745-555-549 of the Administrative Code do not apply if an engineered component is not included in the facility's design. However, if an engineered component is included in the facility's design, and has not yet been constructed, then this paragraph is applicable.

- (C) Upon completion of construction of the transfer facility, or modification thereof, submit a construction certification report in accordance with rule 3745-512-50 of the Administrative Code including the results of all testing and verification that the construction requirements in rules 3745-555-510 and 3745-555-520 of the Administrative Code were met in addition to any additional construction, testing, and verification requirements approved in a permit to install.

[Comment: Rule 3745-512-17 of the Administrative Code addresses requests to use an alternative construction material.]

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-510

**Waste handling floor construction.**

- (A) The solid waste transfer facility's waste handling floor shall be constructed with materials that meet the following criteria:
- (1) Prevent the infiltration of leachate into the ground.
  - (2) Enable repairs to be made.
  - (3) Readily allow wet or dry cleanup operations.
  - (4) For leachate collection points, withstand the forces and loads encountered during normal facility operations.
- (B) Certification by the owner or operator of the construction of the solid waste transfer facility's waste handling floor shall include the following:
- (1) Record drawings depicting the location of the waste handling floor, as constructed.
  - (2) Record drawings showing details of the waste handling floor, as constructed.
  - (3) Results of all testing and verification that the waste handling floor meets the standards in paragraph (A) of this rule and the specifications in the authorizing document.

Five Year Review (FYR) Dates: 1/3/2024 and 01/03/2029

CERTIFIED ELECTRONICALLY

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Certification

01/03/2024

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Date

Promulgated Under:	119.03
Statutory Authority:	3734.02
Rule Amplifies:	3734.02
Prior Effective Dates:	04/01/2017

3745-555-520

**Building to enclose waste handling area.**

Certification by the owner or operator of the construction of any buildings used to enclose any solid waste ~~transfer~~ transfer facility waste handling areas shall include the following:

- (A) Record drawings depicting the location of the building, as constructed.
- (B) Results of all testing and verification that the building meets the specifications in the authorizing document.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-610

**Operation of a solid waste transfer facility – general requirements.**

The owner or operator of a solid waste transfer facility shall do the following:

- (A) Conduct all operations at a transfer facility in compliance with the transfer facility license, the contingency plan, and the permit to install for those transfer facilities with an approved permit to install.
- (B) Have available at the transfer facility copies of the authorizing documents and the contingency plan.

For a transfer facility that consists solely of portable containers and does not have a waste handling floor, the owner or operator shall make the authorizing documents and contingency plan available for inspection by the licensing authority or Ohio EPA during normal operating hours.

- (C) Prepare a contingency plan.
  - (1) The contingency plan shall detail the emergency procedures, equipment, material, and services at or available to the facility to address the following:
    - (a) Discovery of unauthorized wastes.
    - (b) Burning or dusty material.
    - (c) Fire, explosion, and spills.
    - (d) Equipment failure.
    - (e) If operations in all or part of the transfer facility cannot be conducted in compliance with the authorizing documents:
      - (i) The handling, removal, and disposal of solid wastes.
      - (ii) The written notification of the solid waste management district in which the transfer facility is located, the appropriate Ohio EPA district office, and the local health district.
      - (iii) If the transfer facility is unable to accept waste, the general notification of the service area and customers.
    - (f) Storage and disposal of leachate in the event that collected leachate cannot be managed in accordance with normal operating procedures.

- (g) The disposal facility where waste from the transfer facility is normally taken can no longer accept waste.
- (2) The contingency plan shall be prepared ~~within the following time frames:~~prior to waste acceptance.
- (a) ~~For a transfer facility established prior to the effective date of this rule, not later than one hundred eighty days after the effective date of this rule.~~
- ~~{Comment: Unless the owner or operator of a transfer facility who holds a permit to install successfully alters the permit to remove or replace the contingency plan contained therein, the owner or operator is obligated to comply with both contingency plans, the pre-existing plan and the newly prepared plan, in accordance with rule 3745-500-35 of the Administrative Code.}~~
- (b) ~~For a transfer facility with an approved permit to install issued pursuant to Chapter 3734. of the Revised Code to establish a new facility after the effective date of this rule, prior to waste acceptance.~~
- (D) Prior to waste acceptance, execute and fund a 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 the approved permit to install issued pursuant to Chapter 3734. of the Revised Code. ~~If the closure cost estimate is five thousand five hundred dollars or less, no financial assurance is required.~~
- (E) For a transfer facility without an approved permit to install issued pursuant to Chapter 3734. of the Revised Code, execute and fund a financial assurance instrument pursuant to rule 3745-503-05 of the Administrative Code for an amount not less than the current closure cost estimate to include the following:
- (1) The cost of removal and disposal of solid waste. The volume of solid waste shall be based on the maximum amount of waste that can be stored in the waste handling area and stored in containers within the facility boundary.
  - (2) The cost of removal and disposal of leachate.
  - (3) The cost of compliance with the closure requirements in rule 3745-555-700 of the Administrative Code.
- (F) Paragraph (D) or (E) of this rule is not applicable to the owner or operator if the closure cost estimate is five thousand five hundred dollars or less.

(G) ~~Ensure an individual meeting the definition of operator is thoroughly familiar with the proper operational procedures, license, permits, and other authorizations pertaining to the transfer facility.~~

~~(F)~~(H) ~~Ensure that at least one operator is on site at all times when the facility is in operation. This paragraph does not apply to a transfer facility that consists solely of portable containers and does not have a waste handling floor areas are supervised by a person or persons knowledgeable regarding operations at the transfer facility.~~

~~(G)~~(I) Not cause or allow the transfer facility to create a nuisance or health hazard due to dust, odors, or the attraction or breeding of birds, insects, rodents, or other vectors.

~~(H)~~(J) Employ all reasonable measures at the transfer facility to collect, properly contain, and dispose of scattered litter, including frequent policing of the area and the use of wind screens where necessary.

~~(I)~~(K) Manage the transfer facility in such a manner that the attraction, breeding, and emergence of birds, insects, rodents, and other vectors are strictly controlled.

~~(J)~~(L) Maintain the waste handling floor to prevent the infiltration of leachate into the ground.

~~(K)~~(M) Clean the waste handling floor to prevent odors and nuisances.

~~(L)~~(N) Manage and dispose of leachate in accordance with all applicable regulations.

~~(M)~~(O) Have available at or near the transfer facility adequate fire control equipment, material, and services which shall be employed immediately to extinguish any fire at the transfer facility.

~~(N)~~(P) Maintain the integrity and effectiveness of the engineered components of the solid waste transfer facility. If damage to or failure of an engineered component occurs after Ohio EPA has concurred with the construction certification report for that engineered component, the owner or operator shall comply with rules 3745-512-60 and 3745-555-500 to 3745-555-599 of the Administrative Code.

~~(O)~~(Q) Annually review and make appropriate revisions to the closure cost estimate and to the financial assurance instrument when the closure cost estimate is over five thousand five hundred dollars. At a minimum, the review shall include an adjustment of the closure cost estimate for inflation using an the preceding February inflation factor derived from the annual implicit price deflator for gross domestic product as published by the U.S. department of commerce ~~in the February issue of "Survey of Current Business" as described in rule 3745-500-03 of the Administrative Code.~~ The inflation factor is the result of dividing the latest published annual deflator by the

annual deflator for the previous year. After the closure cost estimate is reviewed and increased, the owner or operator shall submit the revised closure cost estimate and appropriate increase to the financial assurance instrument to the director.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-615

**Maintaining a log of operations.**

The owner or operator shall maintain a log of operations in accordance with Chapter 3745-502 of the Administrative Code and shall do the following:

- (A) Each day the solid waste transfer facility is operating, chronologically and completely record transfer facility operations in a log of operations.
- (B) Maintain a log of operations either on a form prescribed by the director or on an alternative form either in paper or electronic format. The log of operations shall include places to record the following:
  - (1) The name, location, and contact information for the solid waste transfer facility.
  - (2) The name and signature of the person entering the information into the log of operations.
  - (3) Information regarding each load, hauler, and vehicle or container, and may include information regarding the generator.
  - (4) The description and amount of unauthorized material refused, accepted, or removed from the solid waste transfer facility.
  - (5) Information regarding any incident of damage or failure of an engineered component.
  - (6) Information regarding site weather conditions and observations of nuisance conditions.
  - (7) Inspection documentation.
  - (8) Any other information required by this chapter and Chapter 3745-502 of the Administrative Code to be recorded on the log of operations, and any other information the director may require to document compliance with Chapter 3734. of the Revised Code and other applicable laws.
- (C) Retain completed logs at the solid waste transfer facility or at another location acceptable to the licensing authority for not less than five years.
- (D) Make the log available for inspection by the licensing authority or Ohio EPA during normal operating hours. When required by the licensing authority or Ohio EPA, the owner or operator shall submit copies of logs or summaries of logs to the licensing authority or Ohio EPA on forms prescribed by the director.

~~(E) The owner or operator may submit an alternative form to the appropriate Ohio EPA district office and as applicable the approved health department not later than fourteen days prior to the use of the alternative form. The owner or operator shall use the alternative form not later than fourteen days after the date the appropriate Ohio EPA district office has received the alternative form, unless Ohio EPA has sent written notification to the owner or operator that the alternative form is unacceptable. The owner or operator may return to the form prescribed by the director without notification.~~

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-620      **Access.**

The owner or operator of a solid waste transfer facility shall do the following:

- (A) Maintain access roads at the transfer facility in a manner that allows use in all weather conditions and that minimizes erosion and dust generation.
- (B) Limit access to the transfer facility by unauthorized personnel except during operating hours when operating personnel are present.
- (C) Post clear instructions for using the transfer facility and maintain the instructions in legible condition. The instructions shall be posted at the entrance to the transfer facility and at any waste handling area. The instructions shall include the following:
  - (1) A listing of prohibited types of wastes which shall include at a minimum those identified in paragraph (G) of rule 3745-555-650 of the Administrative Code.
  - (2) Any yard waste restrictions.
  - (3) Telephone numbers of emergency personnel including but not limited to the following:
    - (a) The local fire department.
    - (b) The local ~~board of health~~ district.
    - (c) The Ohio EPA emergency response twenty-four-hour telephone service for spill reporting.
    - (d) The local law enforcement agency.
- (D) Prevent scavenging and other activities which would interfere with proper operating procedures.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-650            **Waste handling.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, and test methods, ~~federal rules, and federal statutory provisions~~ referenced in this rule, see rule 3745-500-03 of the Administrative Code titled "Incorporation by reference."]

The owner or operator of a solid waste transfer facility shall do the following:

(A) Ensure equipment necessary for operations is at the transfer facility and is operational.

(B) Not admit waste to any expanded or modified area of the transfer facility until the owner or operator has submitted a construction certification report in accordance with rule 3745-555-500 of the Administrative Code and has received written concurrence from Ohio EPA.

(C) ~~Not later than one hundred eighty days after the effective date of this rule, use~~ Use scales as the sole means of determining gate receipts. All scales shall be inspected, tested, and approved by the county auditor or city sealer having jurisdiction where the scale is located and shall meet the specifications, tolerances, and regulatory requirements of section 1327.49 of the Revised Code. This paragraph does not apply to the owner or operator of a transfer facility that consists solely of portable containers and where the waste is not placed on a waste handling floor.

(D) Conduct all solid waste storage and handling operations on the waste handling floor, except for the following:

(1) Storage of solid waste in closed containers.

(2) Handling or storage of whole or shredded scrap tires.

[Comment: The owner or operator may be subject to scrap tire registration requirements.]

(3) Handling or storage of dedicated loads of source-separated yard waste. Handling and storage shall not cause or allow the following:

(a) Surface water originating outside the area where the yard waste is handled or stored to come in contact with the yard waste.

(b) Water that has come in contact with yard waste to discharge to surface waters of the state unless authorized pursuant to Chapter 6111. of the Revised Code.

(E) Confine solid waste handling to the smallest practical area.

- (F) Transfer all solid wastes arriving at the transfer facility as soon as practicable. All solid wastes arriving at the transfer facility that are not transferred within twelve hours of receipt shall be placed in closed containers or in enclosed buildings, or other means shall be used to prevent water, birds, insects, rodents, and other vectors from reaching the wastes and to prevent the release of leachate. If uncontainerized solid waste remains on the waste handling floor of an enclosed building, the owner or operator shall close the doors of the enclosed building at the end of the day.
- (G) Not accept the following at the transfer facility except as specified in this paragraph:
- (1) Hazardous waste.
  - (2) Asbestos-containing waste material.
  - (3) Liquids, and waste containing liquids which can be readily released under normal climatic conditions, as determined by method 9095 (paint filter liquids test), unless the liquids and waste containing liquids are one of the following:
    - (a) Source-separated feedstocks, including food scraps containing liquids which are containerized at the transfer facility to prevent the release of liquids.
    - (b) Used motor oil from residents, where the use or transfer of used motor oil is in accordance with Chapter 3745-279 of the Administrative Code.
    - (c) Small liquid containers of a size that normally would be found in solid waste from community operations. For the purposes of this rule, solid waste from "community operations" is wastes derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.)
  - (4) Polychlorinated biphenyls (PCB) waste, as defined in 40 C.F.R., Part 761 (1978), unless otherwise authorized for disposal in a solid waste landfill by 40 C.F.R., Part 761 (1978), Subpart D (storage and disposal).
  - (5) Low-level radioactive waste, ~~except as specified in authorized by section 3734.027 of the Revised Code, unless authorized by the director of health under Chapter 3748. of the Revised Code and rules adopted thereunder.~~
  - (6) Technologically enhanced naturally occurring radioactive material (TENORM) ~~prohibited~~ prohibited by division (P) of section 3734.02 of the Revised Code.

(7) Any untreated infectious waste, other than those subject to division (B)(1)(a)(ii) of section 3734.021 of the Revised Code. This rule shall not be construed to waive or compromise applicable federal law, including any infectious waste that is subject to the federal packaging and labelling requirements pursuant to the "Hazardous Materials Transportation Act," 49 U.S.C. 5101 (1975).

(8) ~~Whole or shredded scrap~~ Scrap tires, unless the ~~whole or shredded scrap~~ tires are being transferred to a scrap tire facility including a scrap tire monofill or a sanitary landfill with a scrap tire monocell.

~~[Comment: The owner or operator may be subject to scrap tire registration or storage requirements.]~~

(9) Lead-acid batteries, unless the lead-acid batteries are accepted from residents and are transferred to a recycling facility in accordance with sections 3734.91 and 3734.911 of the Revised Code.

(10) Dedicated loads of source-separated yard waste, unless one of the following exceptions is met:

(a) The dedicated load of source-separated yard waste is accepted for transfer to a composting facility.

(b) The dedicated load of source-separated yard waste meets one of the following criteria:

(i) The dedicated load of source-separated yard waste is from storm damage or other natural catastrophe and the owner or operator has received written acknowledgement from the solid waste management district of the need for temporary disposal other than at a composting facility.

(ii) The dedicated load of source-separated yard waste was refused acceptance by a composting facility and the load is accompanied by documentation from the composting facility on a form prescribed by the director identifying the vehicle, the vehicle's load, the compost facility which refused acceptance of the vehicle load, the date of refusal, and the printed and signed name of the authorized ~~person~~personnel refusing the load.

(iii) The dedicated load of source-separated yard waste consists of tree trunks and stumps.

- (H) If any materials listed in paragraph (G) of this rule are detected in an incoming load, refuse the load unless the material is accepted and managed in accordance with the specified exception.
- (I) If any materials listed in paragraph (G) of this rule are found at the transfer facility, remove the material as soon as practicable and properly manage the material unless the material is accepted and managed in accordance with the specified exception.
- (J) For loads that are refused pursuant to paragraph (H) of this rule and any materials detected and removed pursuant to paragraph (I) of this rule, note the incident in the log of operations.
- (K) Segregate all materials accepted at the transfer facility under an exception listed under paragraph (G) of this rule from other solid wastes awaiting transfer. The owner or operator shall note the types, quantities, and destinations of segregated materials in the log of operations.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-670

**Annual report.**

The owner or operator shall submit an annual report on forms prescribed by the director to the appropriate Ohio EPA district office and approved health ~~department~~district not later than April first of each year. The annual report shall include at a minimum a summary of the following operational information for the preceding calendar year:

- (A) The calendar period for which the submittal represents.
- (B) A summary of the solid waste transfer facility's operations including the following:
  - (1) The name, location, and contact information for the transfer facility.
  - (2) Information regarding accepted loads and outgoing loads.
  - (3) Information regarding materials recycled.
  - (4) Information regarding any unauthorized material refused, accepted, or removed from the transfer facility.
  - (5) The fees charged or collected by the transfer facility.
  - (6) The annually adjusted closure cost estimate required in rule 3745-555-610 of the Administrative Code and any relevant calculations.
  - (7) Information regarding ~~site weather conditions and~~ observations of nuisance conditions.
  - (8) A summary of maintenance and repairs performed on the waste handling floor, leachate management system, and building that encloses the waste handling area.
  - (9) A description of the condition of the waste handling floor, leachate management system, and building that encloses the waste handling area.
  - (10) Any other information required by this chapter and Chapter 3745-502 of the Administrative Code to be submitted on the annual report, and any other information the director may require to document compliance with Chapter 3734. of the Revised Code.
- (C) A certified statement and signature in accordance with rule 3745-500-50 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-690

**Operations of a transfer facility that accepts exclusively source-separated yard waste.**

The owner or operator of a solid waste transfer facility that accepts exclusively source-separated yard waste shall do the following:

- (A) Post and maintain in legible condition clear instructions for using the transfer facility. The instructions shall be posted at the entrance to the transfer facility and at any waste handling area. The instructions shall include the following:
- (1) A statement that the transfer facility accepts only source-separated yard wastes.
  - (2) The telephone numbers of emergency personnel including but not limited to the following:
    - (a) The local fire department.
    - (b) The local ~~board of health~~ district.
    - (c) The appropriate district office of Ohio EPA.
- (B) Not cause or allow the transfer facility to create a nuisance or health hazard due to dust, odors, or the attraction or breeding of birds, insects, rodents, or other vectors.
- (C) Not cause or allow surface water originating outside the transfer facility to come in contact with the yard waste.
- (D) Not cause or allow water that has come in contact with yard waste to discharge to surface waters of the state unless authorized pursuant to Chapter 6111. of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017

3745-555-700

**Closure of a transfer facility.**

The owner or operator of a solid waste transfer facility shall do the following:

(A) Begin closure of a transfer facility when any of the following occurs:

- (1) The owner or operator declares the transfer facility will cease accepting waste. Except for transfer facilities that accept exclusively source-separated yard waste for transfer, closure shall be completed in accordance with paragraphs (B) to (E) of this rule. Transfer facilities accepting exclusively yard waste shall complete closure in accordance with paragraphs (B) and (C) of this rule.
- (2) The owner or operator declares the transfer facility will cease operating as a solid waste transfer facility. Closure shall be completed in accordance with paragraph (F) of this rule.
- (3) A solid waste facility license issued for the transfer facility expires, and no further license was applied for in the manner prescribed in Chapter 3745-501 of the Administrative Code. Closure shall be completed in accordance with paragraphs (B) to (E) of this rule.
- (4) A solid waste facility license issued for the transfer facility expires, and another license was applied for and denied as a final action. Closure shall be completed in accordance with paragraphs (C) to (E) of this rule.
- (5) A solid waste facility license issued for the transfer facility is revoked as a final action. Closure shall be completed in accordance with paragraphs (C) to (E) of this rule.
- (6) Detail plans, specifications, and information submitted as required by division (A) (5) of section 3734.05 of the Revised Code are disapproved, and all remedies for such disapproval have either been exhausted or waived by failure to pursue such remedies in a timely manner. Closure shall be completed in accordance with paragraphs (C) to (E) of this rule.

(B) Provide notice by certified mail, or any other form of mail accompanied by a receipt, of the anticipated date on which the transfer facility will cease to accept solid waste to the ~~board of health~~ district having jurisdiction, to the single or joint county solid waste management district in which the transfer facility is located, and to the director. Such notice shall be provided not later than ninety days prior to the anticipated date on which solid waste will cease to be accepted.

(C) Not later than thirty days after a transfer facility has ceased to accept solid waste for transfer:

- (1) Thoroughly clean all waste handling facilities, equipment, and areas on the premises. For purposes of this rule, final cleaning of a transfer facility at a minimum shall include the following actions:
    - (a) All solid wastes shall be removed from the transfer facility and managed properly.
    - (b) All areas of the transfer facility and any appurtenances, including but not limited to containers, equipment, machines, floors, and transfer facility surfaces that were in contact with solid wastes at any time during the operation of the transfer facility and that are not to be removed during the final cleaning, shall be washed or otherwise subjected to procedures that substantially reduce or eliminate any remaining constituents or contaminants derived from contact with solid wastes.
    - (c) All leachate remaining on the site shall be removed and disposed of properly. The leachate collection system shall be thoroughly flushed of all materials derived from or that have contacted solid wastes.
  - (2) Post signs in such a manner as to be easily visible at all access gates leading into the transfer facility stating that the transfer facility is closed for all solid waste transfer activities. These signs shall be maintained in legible condition for not less than six months after closing the transfer facility.
- (D) Not later than sixty days after a transfer facility has ceased to accept solid waste for transfer, complete the following actions:
- (1) Remove, seal, or change the leachate collection system as necessary to prevent filling or overflow of leachate conveyance and storage structures or to prevent discharges from the system to waters of the state, unless such discharges are otherwise regulated in accordance with Chapter 6111. of the Revised Code.
  - (2) Bait the transfer facility for rodents and treat for other vectors as necessary.
- (E) Not later than thirty days after completing the requirements as outlined in paragraphs (C) and (D) of this rule, certify to the licensing authority that the transfer facility was thoroughly cleaned and closed pursuant to paragraphs (C) and (D) of this rule. The certification shall include a certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (F) Provide, by certified mail or any other type of mail accompanied by a receipt, written notice of intent to cease operating as a solid waste transfer facility to the licensing authority and to the director not later than sixty days prior to the anticipated date on

which the transfer facility will cease to operate as a transfer facility. Closure will be completed when the licensing authority and the director have received the following:

- (1) Documentation that the facility no longer meets the definition of solid waste transfer facility.
- (2) Documentation that all areas previously used for solid waste transfer activities which will not be used for waste management activities were closed in accordance with paragraph (C) and (D) of this rule.
- (3) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 1/3/2024

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02  
Prior Effective Dates: 04/01/2017