

3745-50-38

**Contents of the "Siting Criteria Document".**

- (A) The "Siting Criteria Document" information requirements in this rule reflect the standards in division (D)(2) of section 3734.05 of the Revised Code that are applicable to modifications under division (I)(3) of section 3734.05 of the Revised Code. These information requirements are necessary in order to determine compliance with division (D)(2) of section 3734.05 of the Revised Code. The "Siting Criteria Document" shall include such information as may be necessary to enable the director to form a conclusion using the following criteria:
- (1) The nature and volume of the waste to be treated, stored, or disposed ~~of~~ at the facility;
  - (2) The facility complies with the hazardous waste rules;
  - (3) The facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;
  - (4) The facility represents the minimum risk of all of the following:
    - (a) Fires or explosions from treatment, storage, or disposal methods;
    - (b) Release of hazardous waste during transportation of hazardous waste to or from the facility;
    - (c) Adverse impact on the public health and safety;
  - (5) The facility complies with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted ~~under them;~~thereunder.
  - (6) The owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity ~~involving that~~ involves transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted ~~under them~~thereunder, RCRA, the hazardous waste rules, and similar laws and rules of other states if any such prior operation was located in another state, demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of Chapters 3704., 3734., and 6111. of the Revised Code, the applicable rules and standards adopted ~~under them~~thereunder, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to

the public health and safety and the environment that could result from the irresponsible operation of the facility. For "off-site facilities," as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of section 3734.05 of the Revised Code; and

- (7) The facility will not be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property 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, located in the state of Ohio, or any candidate area located in this state 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 amended through the date specified in rule 3745-50-11 of the Administrative Code~~, current at the time of filing of the application for the permit, unless the facility will be used exclusively for the storage of hazardous waste generated within the park or recreation area in conjunction with the operation of the park or recreation area. This paragraph does not apply to the facility of any applicant for modification of a permit unless the modification application proposes to increase the land area included in the facility or to increase the quantity of hazardous waste that will be treated, stored, or disposed of at the facility.
- (B) The "Siting Criteria Document" information requirements in this rule reflect the standards in division (D)(2) of section 3734.05 of the Revised Code that are applicable to new hazardous waste facilities. These information requirements are necessary in order to determine compliance with division (D)(2) of section 3734.05 of the Revised Code. The "Siting Criteria Document" shall include such information as may be necessary to enable the director to form a conclusion using the following criteria:
- (1) ~~Paragraphs~~Paragraph (A) to (A)(7) of this rule;
  - (2) The active areas within a new hazardous waste facility where acute hazardous waste as listed in paragraph (E) of rule 3745-51-33 of the Administrative Code, or organic waste that is toxic and is listed in Chapter 3745-51 of the Administrative Code, is ~~being~~ stored, treated, or disposed of, and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

- (a) Two thousand feet of any residence, school, hospital, jail, or prison;
  - (b) Any naturally occurring wetland; or
  - (c) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.
- (3) The criteria in paragraph (B)(2) of this rule does not apply to the facility of any applicant who demonstrates to the director that all of the following:
- (a) The limitations specified in paragraph (B)(2) of this rule are not necessary because of the nature or volume of the waste and the manner of management applied.
  - (b) The facility will impose no substantial danger to the health and safety of persons occupying the structures listed in paragraph (B)(2) of this rule.
  - (c) The facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.
- (C) If owners and operators of hazardous waste facilities can demonstrate that the information prescribed in the "Siting Criteria Document" cannot be provided to the extent required, on a case-by-case basis, the director may make allowance for submittal of alternative information ~~on a case-by-case basis~~.
- (D) Information required in the "Siting Criteria Document" shall be submitted to the director and signed in accordance with rule 3745-50-42 of the Administrative Code. Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a professional engineer.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 9/29/2021  
Five Year Review (FYR) Dates: 6/7/2021 and 06/05/2026

CERTIFIED ELECTRONICALLY

---

Certification

09/14/2021

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3734.05, 3734.12  
Rule Amplifies: 3734.05  
Prior Effective Dates: 12/07/2004, 09/05/2010, 10/31/2015