

3745-27-07 Additional criteria for approval of sanitary landfill facility permit to install applications.

- (A) General criteria. The director shall not approve a permit to install application for a sanitary landfill facility unless the director determines all of the following:
- (1) Establishment or modification and operation of the sanitary landfill facility will not violate Chapter 3704., 3734., or 6111. of the Revised Code.
 - (2) The sanitary landfill facility will be capable of being constructed, operated, closed, and maintained during the post-closure care period in accordance with this chapter, and with the terms and conditions of the permit.
 - (3) The applicant, or person listed as owner and operator if the owner and operator are not the applicant, who has been or is currently responsible for the management or operation of one of more solid waste facilities, has managed or operated such facility in substantial compliance with applicable provisions of Chapters 3704., 3714., 3734., and 6111. of the Revised Code and any rules, permits or other authorizations issued thereunder, and has maintained substantial compliance with all applicable orders issued by the director, the environmental review appeals commission, or courts having jurisdiction in accordance with Chapter 3746-13 of the Administrative Code, in the course of such previous or current management or operations. The director may take into consideration whether substantial compliance has been maintained with any applicable order from a board of health maintaining a program on the approved list and any other courts having jurisdiction.
 - (4) The applicant meets the requirements of sections 3734.40 to 3734.44 of the Revised Code and rules adopted thereunder.
 - (5) Disposal of secondary aluminum waste will occur only in a monocell or monofill that has been permitted for that purpose. Secondary aluminum waste is defined in division (O) of section 3734.02 of the Revised Code.
- (B) Discretionary criteria. The director may consider, when determining whether or not to approve a permit to install application for a sanitary landfill facility, the following:
- (1) The impact the establishment or modification of the sanitary landfill facility may have on corrective measures that have been taken, are presently being taken, or are proposed to be taken at the facility or in the immediate area.
 - (2) The technical ability of the owner or operator to adequately monitor the impact of the sanitary landfill facility on the environment.
- (C) Design criteria. The director shall not approve a permit to install application unless the director determines that the application conforms to the appropriate paragraphs of rule 3745-27-08 of the Administrative Code as follows:
- (1) Proposed new unit of a new landfill or proposed new unit contiguous or noncontiguous to an existing landfill shall comply with paragraphs (B) to (D) of rule 3745-27-08 of the Administrative Code.
- [Comment: This requirement does not apply to a new unit designated on June 1, 1994 that is within a previously authorized fill area. Construction in an existing unit and new unit designated as of June 1, 1994, must be in accordance with the applicable authorizing document, including a plan approval, operational report, or permit to install. See paragraph (C) of rule 3745-27-19 of the Administrative Code. Unfilled areas of an existing unit and new unit designated as of June 1, 1994, and not provided

with a bottom liner/leachate collection system in accordance with paragraph (D) of rule 3745-27-08 of the Administrative Code are subject to paragraph (C) of rule 3745-27-19 and paragraph (A) of rule 3745-27-20 of the Administrative Code.]

(2) At a minimum, a proposed vertical expansion shall comply with the following:

(a) If the expansion is above the authorized fill area of the sanitary landfill facility, paragraphs (B)(1)(a) and (B)(1)(e) to (B)(1)(h), paragraph (B)(2) as applicable, paragraph (B)(3) as applicable, paragraphs (C)(1)(c) and (C)(1)(d) as applicable, (C)(2) as applicable, paragraphs (C)(4) to (C)(7), and paragraphs (D)(1) to (D)(3), (D)(11), (D)(13)(b) to (D)(13)(d), and (D)(18) to (D)(25) of rule 3745-27-08 of the Administrative Code.

(b) Paragraphs (B) to (D) of rule 3745-27-08 of the Administrative Code if the vertical expansion is below the authorized fill area of the sanitary landfill facility.

[Comment: If a landfill is permitted to vertically expand below a previously approved, but unfilled, area, that area must be constructed in accordance with current rule requirements.]

(3) Vertical expansion construction. For a permit application submitted after the effective date of this rule that includes a vertical expansion over an authorized fill area, the expansion area shall be constructed over either of the following:

(a) A separatory liner system constructed in accordance with rule 3745-27-08 of the Administrative Code.

(b) An authorized fill area that is underlain by a composite liner or engineered liner previously approved by the director and a leachate collection system.

(4) A permit to install application exclusively requesting a change in technique of waste receipt, type of waste received, or type of equipment used need not comply with rule 3745-27-08 of the Administrative Code.

(5) A permit to install application exclusively requesting a change in the authorized maximum daily waste receipt and submitted pursuant to paragraph (E) of this rule need not comply with rule 3745-27-08 of the Administrative Code.

(6) Other modifications of a sanitary landfill facility shall comply with the applicable paragraphs of rule 3745-27-08 of the Administrative Code.

(D) [Reserved.]

(E) Additional criteria for authorized maximum daily waste receipt increase applications. The director shall not approve a permit to install application for a permanent change in the authorized maximum daily waste receipt for the sanitary landfill facility unless the owner or operator demonstrates that the sanitary landfill facility can operate in compliance with all applicable solid waste regulations while receiving the requested maximum daily waste receipt. At a minimum, an adequate demonstration for a sanitary landfill facility includes the following:

(1) An explanation of the overall site design including construction time frames and fill sequences for the sanitary landfill facility.

(2) Operational criteria such as the sanitary landfill facility's equipment availability, cover availability, and manpower.

(3) If applicable, the owner's or operator's previous compliance history throughout the life of the sanitary

landfill facility and the daily logs for any period that the sanitary landfill facility was out of compliance.

[Comment: An application for a temporary increase in the authorized maximum daily waste receipt must satisfy the criteria specified in rule 3745-37-14 of the Administrative Code.]

- (F) Applicability of location restriction demonstrations to a proposed new unit. A permit to install application for a proposed new unit shall not be approved unless the director determines that the owner or operator has demonstrated compliance with the location restriction demonstration requirements specified in rule 3745-27-20 of the Administrative Code.
- (G) Applicability of siting criteria. The director shall not approve the permit to install application for a sanitary landfill facility unless the director determines that the application meets the criteria specified in paragraph (H) of this rule. For the purposes of this rule, an "authorized fill area" is an area within the limits of solid waste placement of a sanitary landfill facility that is authorized by a permit to install, plan approval, operational report, or other authorizing document to accept solid waste as of the date of submittal of the permit to install application for a new unit. Applicability of siting criteria is as follows:
- (1) Operation changes. A permit to install application that exclusively proposes a substantial change in technique of waste receipt, type of waste received, or type of equipment used at the sanitary landfill facility need not comply with the criteria specified in paragraph (H) of this rule.
 - (2) Authorized maximum daily waste receipt increase. A permit to install application that exclusively proposes a change in the authorized daily waste receipt limit for the sanitary landfill facility need not comply with the criteria specified in paragraph (H) of this rule.
 - (3) Other modification permits. A permit to install application that incorporates a modification of the sanitary landfill facility that does not incorporate a capacity increase or otherwise change the vertical or horizontal limits of waste placement need not comply with the criteria specified in paragraph (H) of this rule.
 - (4) Vertical expansion.
 - (a) For the proposed vertical expansion and all waste within the vertical projection above or below the proposed vertical expansion, the criteria specified in paragraph (H) of this rule apply except for paragraph (H)(4) of this rule.
 - (b) For the areas of the authorized fill area that are contiguous to the proposed vertical expansion but that are not directly above or below the proposed vertical expansion, the following apply:
 - (i) Paragraph (H)(1) of this rule.
 - (ii) Paragraph (H)(2) of this rule.

[Comment: See diagram 1 in appendix I to this rule. Vertical expansion permits seek a voluntary vertical change in waste placement boundaries. A decision for final denial of a voluntary vertical expansion permit application does not alter the current authorizing document for the facility. Filling may continue in the authorized fill area in accordance with the applicable authorizing document.]

- (5) Proposed new unit. A proposed new unit of a sanitary landfill facility shall meet all of the criteria specified in paragraph (H) of this rule. The director may approve the application for one or more noncontiguous proposed new units that meet the criteria specified in paragraph (H) of this rule, even if other proposed new units do not meet the criteria specified in paragraph (H) of this rule.

[Comment: If a proposed new unit is an expansion to the authorized fill area of an existing landfill, see paragraph (G)(6) of this rule for the applicability of siting criteria to the authorized fill area of the existing landfill.]

- (6) Authorized fill area contiguous or noncontiguous to a proposed new unit.

- (a) Noncontiguous authorized fill area. When evaluating a proposed new unit, the criteria specified in paragraph (H) of this rule do not apply to an authorized fill area that is noncontiguous with the new unit proposed in the permit to install application.

[Comment: For a permit to install application proposing a new unit at the facility that is not contiguous to the the current authorized fill area, all siting criteria would apply to the new unit and no siting criteria would apply to the authorized fill area. See diagram 2 in appendix I to this rule.]

- (b) Contiguous authorized fill area. For a permit to install application that includes a proposed contiguous new unit without a vertical expansion above or below some or all of the authorized fill areas, paragraphs (H)(1) and (H)(2) of this rule apply to the authorized fill area contiguous to the new unit.

- (c) Contiguous new unit, authorized fill area, and vertical expansion. For a permit to install application that includes a proposed contiguous new unit and a vertical expansion above or below some or all of the authorized fill area, the following apply:

- (i) For the vertical expansion component of the permit to install application, paragraph (G)(4) of this rule.
- (ii) For the proposed new unit component of the permit to install application and the authorized fill area, paragraph (G)(5) of this rule.

[Comment: See diagram 3 in appendix I to this rule. If the vertical expansion component does not meet the criteria specified in paragraph (G)(4) of this rule, then the applicant may consider revising the application to meet the requirements specified in paragraph (G)(6)(b) of this rule. A final denial decision on this voluntary permit does not alter the filling approved in the authorized fill area.]

- (H) Siting criteria.

- (1) National parks, national recreation areas, and state parks.

- (a) The limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of or within any of the following areas, in existence on the date of receipt of the permit to install application by Ohio EPA:

- (i) National park or recreation area.
- (ii) Candidate area for potential inclusion in the national park system.
- (iii) State park or established state park purchase area.
- (iv) Any property that lies within the boundaries of a national park or national recreation area but that has not been acquired or is not administered by the secretary of the United States department of the interior.

- (b) The one-thousand-foot setback from the limits of solid waste placement does not apply if the applicant obtains a written authorization from the owner and the designated authority of the areas identified in paragraph (H)(1) of this rule to locate the limits of solid waste placement within one thousand feet. Such authorizations must be effective prior to the issuance date of the permit.

[Comment: Pursuant to division (M) of section 3734.02 of the Revised Code, the limits of solid waste placement cannot be located within the areas identified in paragraph (H)(1) of this rule.]

- (c) Paragraph (H)(1)(a) of this rule shall not apply to a sanitary landfill facility located within a park or recreation area that exclusively disposes of wastes generated within the park or recreation area.

(2) Ground water aquifer system protection.

- (a) Sand or gravel pit. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located in a sand or gravel pit where the sand or gravel deposit has not been completely removed. For the purposes of this paragraph, a sand or gravel pit is an excavation resulting from a mining operation where the removal of sand or gravel is undertaken for use in another location or for commercial sale. This term does not include excavations of sand or gravel resulting from the construction of the sanitary landfill facility.
- (b) Limestone or sandstone quarry. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located in a limestone quarry or sandstone quarry. For the purposes of this paragraph, a limestone or sandstone quarry is an excavation resulting from a mining operation where limestone or sandstone is the principal material excavated for use in another location or for commercial sale. This term does not include excavation of limestone resulting from the construction of the sanitary landfill facility.
- (c) Sole source aquifer. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located above an aquifer declared by the federal government under the "Safe Drinking Water Act," 42 U.S.C 300f et. seq., to be a sole source aquifer prior to the date of receipt of the permit to install application by Ohio EPA.
- (d) One hundred gallons per minute (gpm) aquifer system. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located above an unconsolidated aquifer system capable of sustaining a yield of one hundred gallons

per minute for a twenty-four-hour period within one thousand feet of the limits of solid waste placement or any subsurface leachate storage structure or leachate lift station.

(e) Isolation distance. The isolation distance between the uppermost aquifer system and the following are not less than fifteen feet, without accounting for compression or consolidation, of in-situ or added geologic material constructed in accordance with rule 3745-27-08 of the Administrative Code:

(i) The basal elevation of the liner system.

(ii) The basal elevation of any subsurface leachate storage structure or leachate lift station.

(3) Ground water setbacks.

(a) Drinking water source protection area for a public water supply using ground water. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located within a drinking water source protection area for a public water supply using ground water.

(b) Underground mine. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located within an area of potential subsidence due to an underground mine in existence on the date of receipt of the permit to install application by Ohio EPA unless the potential impact due to subsidence is minimized. The area of potential subsidence due to an underground mine is the area defined by the angle of draw, extending from the underground mine to where the angle of draw intercepts the ground surface. The angle of draw shall not be less than fifteen degrees.

[Comment: Removal or filling of the mines is an acceptable method for minimizing the potential for subsidence.]

(c) One thousand feet from water supply well. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure or leachate lift station are not located within one thousand feet of a water supply well or a developed spring in existence on the date the permit to install application was received by Ohio EPA. For the purposes of this paragraph, a developed spring is any spring that has been permanently modified by the addition of pipes or a collection basin to facilitate the collection and use of the spring water. This paragraph does not apply if one or more of the following conditions are met:

(i) The water supply well or developed spring is controlled by the owner or operator of the sanitary landfill facility and provided the following:

(A) The water supply well or developed spring is needed as a source of nonpotable water in order to meet the requirements of the approved permit.

(B) No other reasonable alternative water source is available.

(C) The water supply well or developed spring is constructed to prevent contamination of the ground water.

(ii) The water supply well or developed spring is not less than five hundred feet hydrogeologically upgradient of the limits of solid waste placement of the sanitary landfill facility and the applicant demonstrates that the potential for migration of landfill gas to that well or developed spring is minimized.

[Comment: Constructing a landfill with a composite bottom liner system or an active gas management system are acceptable means to minimize the potential for gas migration.]

- (iii) The water supply well or developed spring is separated from the limits of solid waste placement of the sanitary landfill facility by a naturally occurring hydrogeologic barrier.
- (iv) The water supply well or developed spring was constructed and is used solely for monitoring ground water quality.

(4) General setbacks.

- (a) One thousand feet from natural areas. The limits of solid waste placement of the sanitary landfill facility are not located with one thousand feet of the following, that are in existence on the date of receipt of the permit to install application by Ohio EPA:
 - (i) Areas designated by the Ohio department of natural resources as either 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.
 - (ii) Areas designated, owned, and managed by the Ohio history connection as a nature preserve.
 - (iii) Areas designated by the United States department of the interior as either a national wildlife refuge or a national wild, scenic, or recreational river.
 - (iv) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.
 - (v) Stream segments designated by Ohio EPA as a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

[Comment: Stream segments designated as state resource waters may include some wetlands. Those wetlands that do not meet this designation are addressed in paragraph (H)(4)(d) of this rule.]
- (b) Three hundred feet from property line. The limits of solid waste placement of the sanitary landfill facility and any leachate pond are not located with three hundred feet of the sanitary landfill facility's property line.
- (c) One thousand feet from domicile. The limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of a domicile, whose owner has not consented in writing to the location of the sanitary landfill facility, in existence on the date of receipt of the permit to install application by Ohio EPA.
- (d) Two hundred feet from surface waters. The limits of solid waste placement of the sanitary landfill facility and any subsurface leachate storage structure are not located within two hundred feet of areas determined by Ohio EPA or the United States army corps of engineers to be a stream, lake, or wetland.

APPENDIX I
DIAGRAM 1
VERTICAL EXPANSIONS

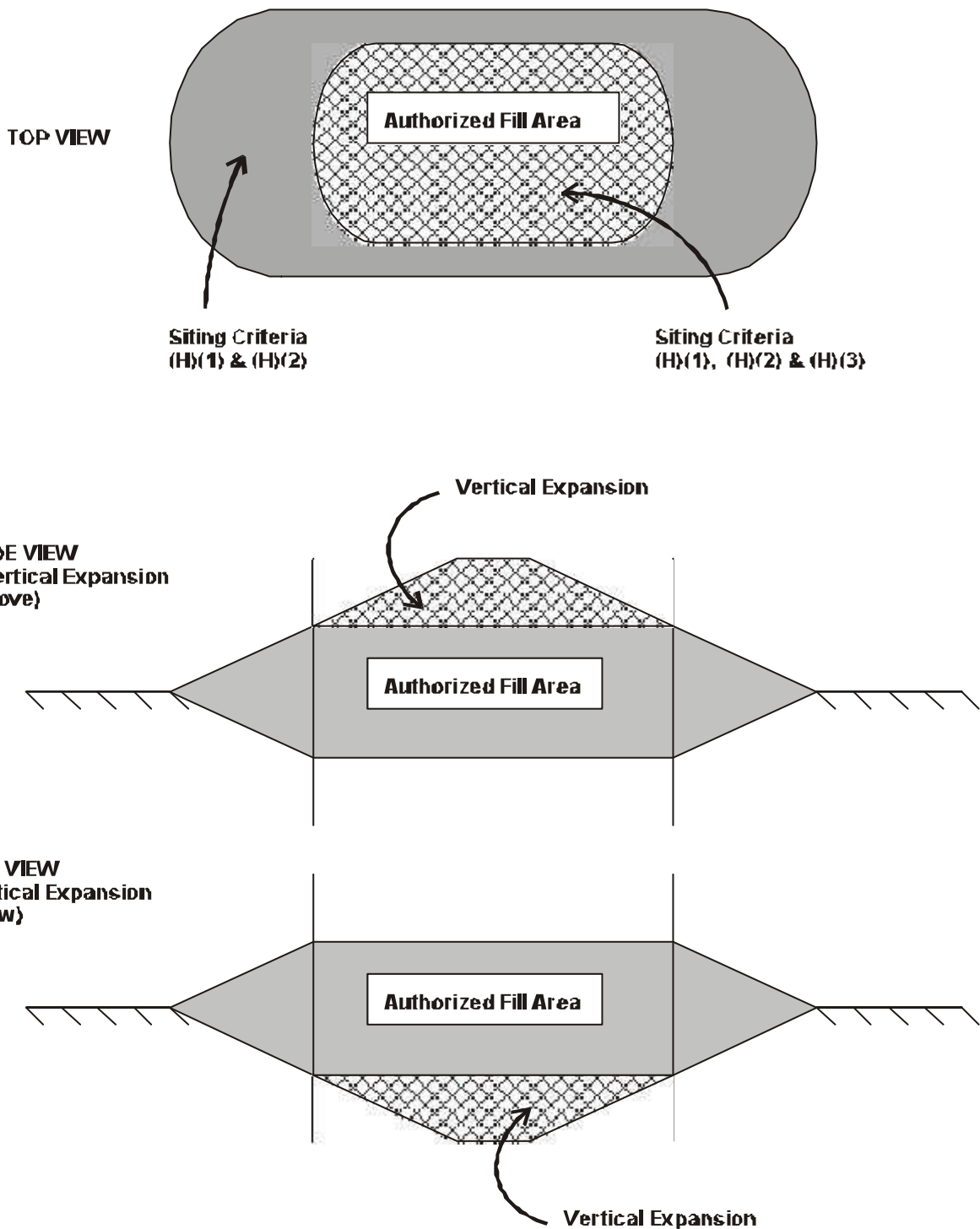
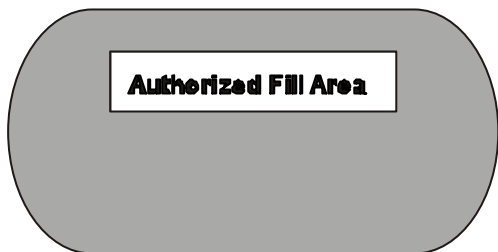
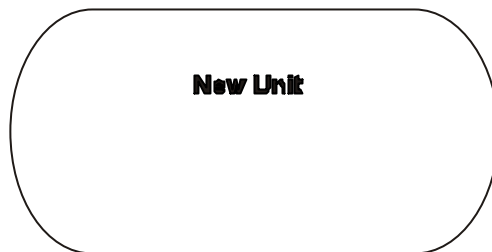


DIAGRAM 2
NONCONTIGUOUS UNITS

TOP VIEW



NO Siting Criteria Apply



**ALL Siting Criteria Apply
(H)(1), (H)(2), (H)(3) & (H)(4)**

SIDE VIEW

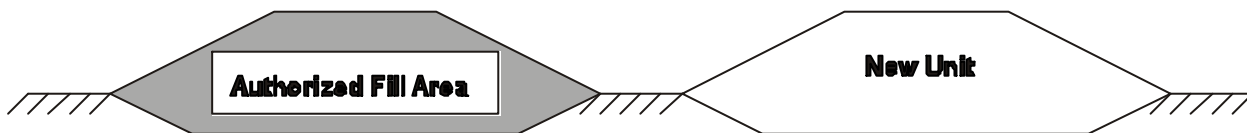
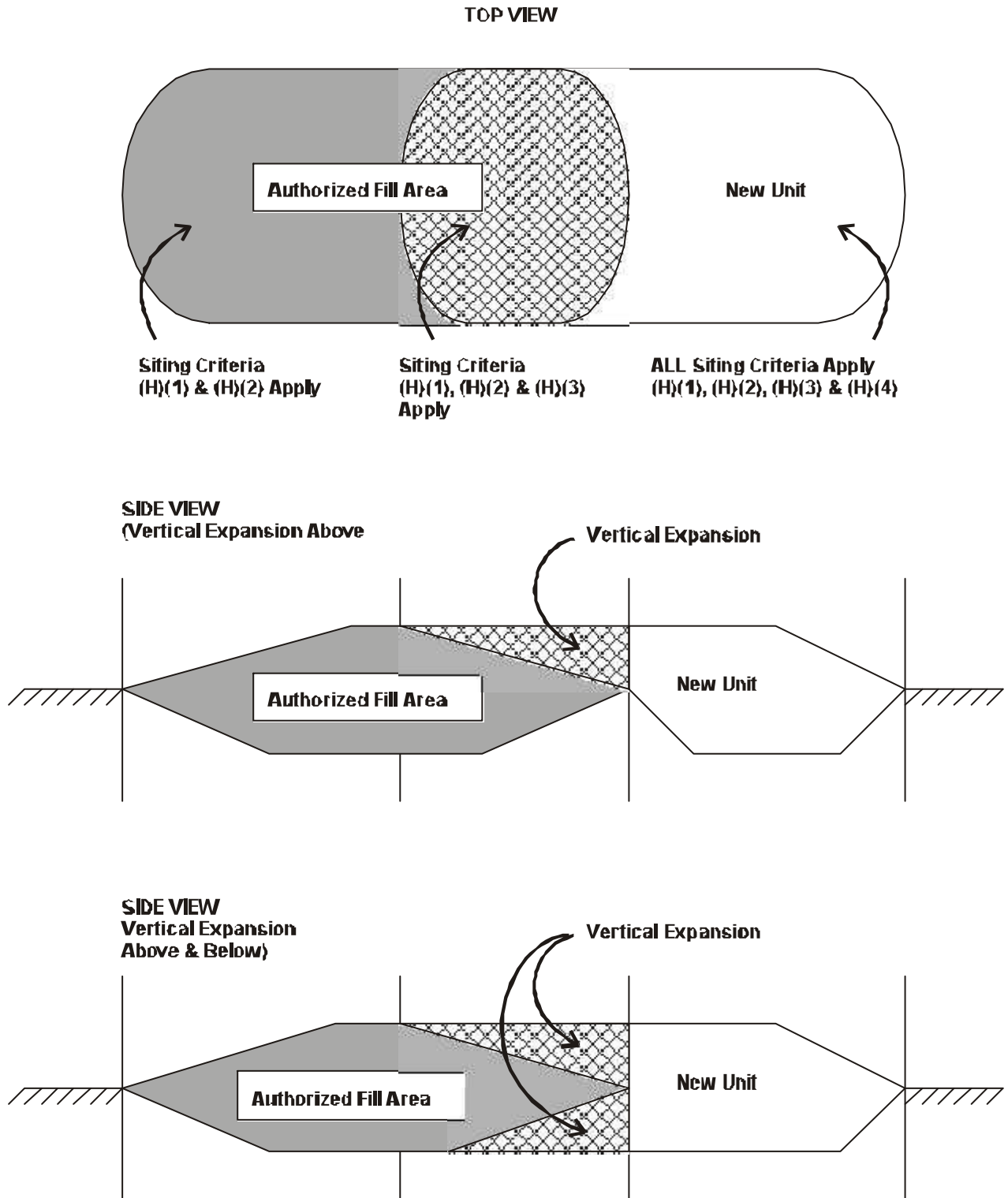


DIAGRAM 3
CONTIGUOUS NEW UNIT WITH VERTICAL EXPANSION



Appendix II

OAC 3745-27-07

TYPE OF PERMIT	SITING CRITERIA 3745-27-07(H)														Location Restrictions required by Subtitle D see 3745-27-20 (airport, flood plain, fault area, seismic zone, unstable areas)	
	nat'l parks (1)	GW Aquifer Protection					GW Setbacks			General Setbacks						
		sand gravel (2)(a)	quarry (2)(b)	sole source (2)(c)	100 gpm (2)(d)	15' sep. (2)(e)	5 yr. TOT (3)(a)	mine (3)(b)	1000' well (3)(c)	1000' wildlife (4)(a)	prop. line (4)(b)	1000' house (4)(c)	200' waters (4)(d)			
(G)(1)	call-in permit (includes all expansion areas proposed in application)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes (unfilled areas)
(G)(2)	operational changes	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no**
(G)(3)	AMDWR	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no**
(G)(4)	other modifications w/o capacity or change to waste boundaries	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no**
(G)(5)(a)	vertical expansion	yes	yes	yes	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no**
(G)(5)(b)	AFA not above/below vertical expansion but contiguous to VE	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no	no	no	no**
(G)(6)	proposed new unit (lateral expansion and new landfill)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
(G)(7)(a)	noncontiguous AFA	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no**
(G)(7)(b)	contiguous AFA	yes	yes	yes	yes	yes	yes	no	no	no	no	no	no	no	no	no**
(G)(7)(c)	combination of proposed new unit and vertical expansion of a contiguous AFA	Evaluate the vertical expansion to determine if it meets the criteria in paragraph (G)(5), then, if the vertical expansion meets the criteria, evaluate the proposed new unit.													yes (new unit)	

“AFA” means authorized fill area

“AMDWR” means authorized maximum daily waste receipt

“VE” means vertical expansion

** Failure to comply with 3745-27-20 is a compliance issue. Substantial compliance is a permit approval criterion. See 3745-27-07(A)(3).

3745-27-07

Effective: 1/1/2021

Five Year Review (FYR) Dates: 7/6/2020 and 01/01/2026

CERTIFIED ELECTRONICALLY

Certification

11/02/2020

Date

Promulgated Under: 119.03

Statutory Authority: 3734.02, 3734.12

Rule Amplifies: 3734.02, 3734.12

Prior Effective Dates: 03/01/1990, 06/01/1994, 08/15/2003, 07/01/2004