



Ohio Administrative Code Rule 109:6-1-01 Definitions.

Effective: March 7, 2013

As used in Chapter 109:6-1 of the Administrative Code:

- (A) "Applicant" for purposes of this chapter means any person:
- (1) Seeking a permit, other than a permit modification, or license for an off-site facility;
 - (2) Holding a permit or license for an off-site facility;
 - (3) A prospective owner of an off-site facility; or
 - (4) Any person or business concern operating a facility for an applicant or permittee.
- (B) "Application" means the forms and accompanying documents filed in connection with the applicant's request for a permit.
- (C) "Attorney general" means the attorney general or the attorney general's authorized representative.
- (D) "Business concern" means any corporation, association, firm, partnership, trust, sole proprietorship, or other form of commercial organization.
- (E) "Calendar year" means January first through December thirty-first of a given year.
- (F) "Captive facility" means a facility owned and operated by the generator of the waste and which exclusively disposes of or transfers solid waste, exclusively treats infectious wastes, or exclusively treats, stores, or disposes of hazardous waste, generated at one or more premises owned by the generator.
- (G) "Chartered lending institution" means any lending institution required to be licensed or chartered



under state or federal law.

(H) "Compliance schedule" means the schedule specifying which applicants are required to submit triennial updates in a given year. In creating this schedule, the attorney general will divide all applicants into three groups and will require each group to submit an update in a different year, such that all applicants will provide a triennial update only once every three years.

(I) "Debt liability" means bonds, debentures, notes, mortgages and loans of any kind, secured or unsecured, and other similar debt instruments, except for debt related to the purchase and sale of goods or services between businesses.

(J) "Disclosure statement" means one of the statements required to be submitted to the attorney general, including the:

- (1) Applicant disclosure statement;
- (2) Non-applicant business concern disclosure statement;
- (3) Personal history disclosure statement; and
- (4) Triennial updates.

(K) "Equity" means any ownership interest in a business concern, including sole proprietorship, an interest in a partnership or limited liability company, and stock in a corporation.

(L) "Facility" means any site, location, tract of land, installation or building used, or to be used, for incineration, composting, sanitary land filling, or other methods of disposal of solid wastes, for transfer of solid wastes, for the collection, storage or processing of solid wastes that consist of scrap tires only, for the treatment or disposal of infectious wastes, or for the storage, treatment or disposal of hazardous waste, or any combination of these activities.

(M) "Fingerprint card" means a completed and readable fingerprint form prescribed by the attorney general for use by the Ohio bureau of criminal investigation and a completed and readable



fingerprint form acceptable to the federal bureau of investigation.

(N) "Governmental entity" means the state, any political subdivision, municipal corporation, township, county or other state or local body, the United States and any agency or instrumentality thereof.

(O) "Key employee" means any individual, employed by the applicant or employed by a contractor of the applicant who:

(1) Is responsible for managing the employees at the location whose duties or responsibilities involve, in whole or part, evaluation, identification, labeling, monitoring, handling, disposal, transportation, storage, or treatment of solid, infectious, or hazardous waste; or

(2) Is authorized to make final discretionary decisions to evaluate, identify, label, monitor, handle, dispose, transport, store, or treat solid, infectious, or hazardous waste.

(3) A key employee does not include:

(a) An individual employed to solely perform a routine or clerical task.

(b) An individual whose only job duties are unrelated to handling solid, infectious, or hazardous waste, or who only supervises other employees whose job duties are also not related to handling solid, infectious, or hazardous waste. Examples of job duties that are not related to handling waste might include human resource or fiscal duties.

(c) An individual whose job duties require only the physical or mechanical collection, transfer, transportation, treatment, storage, or disposal of solid wastes, infectious wastes, or hazardous waste or processing of solid wastes that consist of scrap tires.

(d) A public official or public employee, as defined in division (B) of section 102.01 of the Revised Code, who files a disclosure statement under section 102.02 of the Revised Code.

(P) "License" means the annual license required by section 3734.05 of the Revised Code for an off-



site solid waste disposal or transfer facility or an off-site infectious waste treatment facility, or if the solid wastes consist of scrap tires, the annual license required by section 3734.81 of the Revised Code for scrap tire storage, monocell, monofill or recovery facilities.

(Q) "Modification" means a change or alteration to an off-site hazardous waste treatment, storage, or disposal facility installation and operation permit which is subject to the director's approval or disapproval in accordance with division (I)(3) of section 3734.05 of the Revised Code. Applicants who have applied for a permit modification under division (I)(3) of section 3734.05 of the Revised Code are not required to file a disclosure statement with the attorney general when they apply for a modification, however these facilities continue to be subject to annual update and change of ownership disclosure requirements in accordance with divisions (D) and (F) of section 3734.42 of the Revised Code.

(R) "Off-site facility" means a facility:

(1) Located off the premises where the solid, infectious, or hazardous waste is generated;

(2) Other than a facility which:

(a) Exclusively disposes of wastes generated from the combustion of coal that is not combined in any way with garbage; or

(b) Is owned and operated by the generator of the waste and which exclusively disposes of or transfers solid wastes, exclusively treats infectious wastes, or exclusively disposes of hazardous waste, generated at one or more premises owned by the generator; or

(c) Exclusively disposes of wastes that are generated from the combustion primarily of coal in combination with scrap tires that are not combined in any way with garbage.

(S) "Operator" means the person responsible for the direct control or overall operation of a facility.

(T) "Owns or controls" means holds or is able to control the purchase or sale of at least five per cent of the equity of a publicly traded corporation or twenty-five per cent of the equity of any other



business concern, either directly or through a holding company or subsidiary.

(U) "Partner" means any person holding a position as, or similar to, a general partner, as defined in division (E) of section 1782.01 of the Revised Code, or a limited partner, as defined in division (F) of section 1782.01 of the Revised Code, or persons who share profits and liability and have management powers of a partnership, as partnership is defined in section 1775.05 of the Revised Code.

(V) "Permit" means:

(1) A permit to install and any subsequent modifications or renewals of an off-site solid waste disposal facility, including any incineration facility, or transfer facility under section 3734.05 of the Revised Code;

(2) A permit to install and any subsequent modifications or renewals for an off-site infectious waste treatment facility under section 3734.05 of the Revised Code;

(3) A permit to install and operate an off-site hazardous waste treatment, storage, or disposal facility and the modification or renewal of a hazardous waste permit for the treatment, storage, or disposal of hazardous waste under section 3734.05 of the Revised Code; or

(4) A permit to install or any subsequent modification for an off-site solid waste facility that is a scrap tire, monocell or monofill facility, or a class I scrap tire storage or recovery facility issued under section 3734.76, 3734.77 or 3734.78 of the Revised Code.

(W) "Permittee" means any person who has received a permit or license for an off-site facility.

(X) "Person" includes any individual, business concern or governmental entity.

(Y) "Publicly traded corporation" means a corporation:

(1) Whose shares are listed on a national securities exchange; or



(2) Whose shares are regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association.

(Z) "Release form" means a signed form, prescribed by the attorney general, which authorizes the attorney general to conduct an initial background investigation of the individual signing it or of the business concern on whose behalf it is signed, and which authorizes third parties to release information to the attorney general.

(AA) "Secondary business activity concern" means any business concern which has derived less than five per cent of its annual gross revenues in each of the three years immediately preceding the current year from the collection, transportation, treatment, storage, recycling, processing, transfer or disposal of solid, infectious, or hazardous waste, whether directly or through other business concerns partially or wholly owned or controlled by the business concern.

(BB) "Sole proprietorship" means a form of business, other than a partnership or corporation, in which one person owns all the assets and is solely liable for all the debts of the business. Sole proprietor also includes, any individual or entity in which an individual is an applicant.

(CC) "Subject facility" means the facility in the state of Ohio for which the applicant seeks a permit or license, holds a permit or license, or seeks a change of ownership.

(DD) "Triennial update" means a signed, notarized form, prescribed by the attorney general, submitted once every three years, which provides all information required to be included in a disclosure statement pursuant to division (F)(2) of section 3734.42 of the Revised Code, which may have changed and which further authorizes the attorney general to update the background investigation of the individual signing it or of the business concern on whose behalf it is signed.