



Ohio Administrative Code

Rule 3745-50-26 Procedures for variances from classification as a waste or to be classified as a boiler.

Effective: June 12, 2023

The director will use the following procedures in evaluating applications for variances from classification as a waste, applications to classify particular enclosed controlled flame combustion devices as boilers, or applications for non-waste determinations:

(A) The applicant shall apply to the director for the variance or non-waste determination. The application shall address the relevant criteria in rule 3745-50-15, 3745-50-24, or 3745-50-25 of the Administrative Code.

(B) The director will evaluate the application and issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement or radio broadcast in the locality where the recycler is located. The director will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at the director's discretion. The director will issue a final decision after receipt and consideration of comments and after the hearing, (if any).

(C) In the event of a change in circumstances that affect how a hazardous secondary material meets the relevant criteria in rule 3745-50-15, 3745-50-24, or 3745-50-25 of the Administrative Code upon which a variance or non-waste determination has been based, the applicant shall send a description of the change in circumstances to the director. The director may issue a determination that the hazardous secondary material continues to meet the relevant criteria of the variance or non-waste determination or may require the facility to re-apply for the variance or non-waste determination.

(D) Variances and non-waste determinations shall be effective for a fixed term not to exceed ten years. No later than six months prior to the end of this term, facilities shall re-apply for a variance or non-waste determination. If a facility re-applies for a variance or non-waste determination within six months, the facility may continue to operate under an expired variance or non-waste determination until receiving a decision from the director on the facility's re-application.



(E) Facilities receiving a variance or non-waste determination shall provide notification, as required by rule 3745-50-16 of the Administrative Code.