



Ohio Administrative Code

Rule 3745-525-03 Definitions, 40 C.F.R. 257.53.

Effective: October 1, 2026

The following definitions apply to this chapter. Terms not defined in this rule have the meaning given by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, as amended.

(A)

- (1) "Acre foot" means the volume of one acre of surface area to a depth of one foot.
- (2) "Active facility" or "active electric utilities or independent power producers" means any facility subject to the requirements of this chapter that is in operation on or after October 19, 2015. An electric utility or independent power producer is in operation if it is generating electricity that is provided to electric power transmission systems or to electric power distribution systems on or after October 19, 2015. An off-site disposal facility is in operation if it is accepting or managing CCR on or after October 19, 2015.
- (3) "Active life" or "in operation" means the period of operation beginning with the initial placement of CCR in the CCR unit and ending at completion of closure activities in accordance with rule 3745-525-720 of the Administrative Code.
- (4) "Active portion" means that part of the CCR unit that has received or is receiving CCR or non-CCR waste and that has not completed closure in accordance with rule 3745-525-720 of the Administrative Code.
- (5) "Aquifer" means a geologic formation, group of formations, or portion of a formation capable of yielding usable quantities of groundwater to wells or springs.
- (6) "Area-capacity curves" means graphic curves which readily show the reservoir water surface area, in acres, at different elevations from the bottom of the reservoir to the maximum water surface, and the capacity or volume, in acre-feet, of the water contained in the reservoir at various elevations.
- (7) "Areas susceptible to mass movement" means those areas of influence (i. e., areas characterized as having an active or substantial possibility of mass movement) where, because of natural or human-induced events, the movement of earthen material at, beneath, or adjacent to the CCR unit results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.

(B) "Beneficial use of CCR" means the CCR meet all of the following conditions:

- (1) The CCR shall provide a functional benefit.



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- (2) The CCR shall substitute for the use of a virgin material, conserving natural resources that would otherwise need to be obtained through practices, such as extraction.
- (3) The use of the CCR shall meet relevant product specifications, regulatory standards or design standards when available, and when such standards are not available, the CCR is not used in excess quantities.
- (4) When unencapsulated use of CCR involving placement on the land of twelve thousand four hundred tons or more in non-roadway applications, the user shall demonstrate and keep records, and provide such documentation upon request, that environmental releases to groundwater, surface water, soil and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.

(C)

- (1) "Closed" means placement of CCR in a CCR unit has ceased, and the owner or operator has completed closure of the CCR unit in accordance with rule 3745-525-720 of the Administrative Code and has initiated post-closure care in accordance with rule 3745-525-750 of the Administrative Code.
- (2) "Coal combustion residuals" or "CCR" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.
- (3) "CCR fugitive dust" means solid airborne particulate matter that contains or is derived from CCR, emitted from any source other than a stack or chimney.
- (4) "CCR landfill" or "landfill" means an area of land or an excavation that contains CCR and which is not a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. For purposes of this chapter, a CCR landfill also includes sand and gravel pits and quarries that receive CCR, CCR piles, and any practice that does not meet the definition of a beneficial use of CCR.
- (5) "CCR pile" or "pile" means any non-containerized accumulation of solid, non-flowing CCR that is placed on the land. CCR that is beneficially used off-site is not a CCR pile.
- (6) "CCR surface impoundment" or "impoundment" means a natural topographic depression, man-made excavation, or diked area, designed to hold an



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accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR.

- (7) "CCR unit" means any CCR landfill, CCR surface impoundment, or lateral expansion of a CCR landfill or CCR surface impoundment, or a combination of more than one of these units, based on the context of the paragraph in which it is used. This term includes both new and existing units, unless otherwise specified.
- (8) "Contains both CCR and liquids" means that both CCR and liquids are present in a CCR surface impoundment, except where the owner or operator demonstrates that the standard in paragraph (D)(2)(a) of rule 3745-525-720 of the Administrative Code has been met.
- (9) "Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of a business.
- (10) "Current liabilities" means obligations the liquidation of which is reasonably expected to require either the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

(D)

- (1) "Dike" means an embankment, berm, or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.
- (2) "Director" means the chief administrative officer of the Ohio EPA.
- (3) "Displacement" means the relative movement of any two sides of a fault measured in any direction.
- (4) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste as defined in section 1004(27) of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 (1976) into or on any land or water so that such solid waste, or constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. For purposes of this chapter, disposal does not include the storage or the beneficial use of CCR.
- (5) "Downstream toe" means the junction of the downstream slope or face of the CCR surface impoundment with the ground surface.



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(E)

- (1) "Eligible unlined CCR surface impoundment" means an existing CCR surface impoundment that meets all of the following conditions:
 - (a) The owner or operator has documented that the CCR unit is in compliance with the location restrictions specified under rules 3745-525-101 to 3745-525-105 of the Administrative Code.
 - (b) The owner or operator has documented that the CCR unit is in compliance with the periodic safety factor assessment requirements under paragraphs (E) and (F) of rule 3745-525-204 of the Administrative Code.
 - (c) No constituent listed in appendix B to rule 3745-525-900 of the Administrative Code has been detected at a statistically significant level exceeding a groundwater protection standard defined under paragraph (H) of rule 3745-525-940 of the Administrative Code.
- (2) "Encapsulated beneficial use" means a beneficial use of CCR that binds the CCR into a solid matrix that minimizes its mobilization into the surrounding environment.
- (3) "Existing CCR landfill" means a CCR landfill that receives CCR both before and after October 19, 2015, or for which construction commenced prior to October 19, 2015 and receives CCR on or after October 19, 2015. A CCR landfill has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun prior to October 19, 2015.
- (4) "Existing CCR surface impoundment" means a CCR surface impoundment that receives CCR both before and after October 19, 2015, or for which construction commenced prior to October 19, 2015 and receives CCR on or after October 19, 2015. A CCR surface impoundment has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun prior to October 19, 2015.

(F)

- (1) "Face amount" means the total amount the insurer is obligated to pay under the policy.



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- (2) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, disposing, or otherwise conducting solid waste management of CCR. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
- (3) "Factor of safety" or "safety factor" means the ratio of the forces tending to resist the failure of a structure to the forces tending to cause such failure as determined by accepted engineering practice.
- (4) "Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.
- (5) "Flood hydrograph" means a graph showing, for a given point on a stream, the discharge, height, or other characteristic of a flood as a function of time.
- (6) "Freeboard" means the vertical distance between the lowest point on the crest of the impoundment dike and the surface of the waste contained therein.
- (7) "Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.
- (G) "Groundwater" means water below the land surface in a zone of saturation.
- (H)
 - (1) "Hazard potential classification" means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of the diked CCR surface impoundment or mis-operation of the diked CCR surface impoundment or its appurtenances. The hazardous potential classifications include high hazard potential CCR surface impoundment, significant hazard potential CCR surface impoundment, and low hazard potential CCR surface impoundment, which terms mean:
 - (a) High hazard potential CCR surface impoundment means a diked surface impoundment where failure or mis-operation will probably cause loss of human life.
 - (b) Low hazard potential CCR surface impoundment means a diked surface impoundment where failure or mis-operation results in no probable loss of human life and low economic or environmental losses. Losses are principally limited to the surface impoundment owner's property.



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(c) Significant hazard potential CCR surface impoundment means a diked surface impoundment where failure or mis-operation results in no probable loss of human life, but can cause economic loss, environmental damage, disruption of lifeline facilities, or impact other concerns.

(2) "Height" means the vertical measurement from the downstream toe of the CCR surface impoundment at its lowest point to the lowest elevation of the crest of the CCR surface impoundment.

(3) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch, at eleven thousand seven hundred years before present, to present.

(4) "Hydraulic conductivity" means the rate at which water can move through a permeable medium (i.e., the coefficient of permeability).

(I)

(1) "Inactive CCR surface impoundment" means a CCR surface impoundment located at an active facility that no longer receives CCR on or after October 19, 2015, and still contains both CCR and liquids on or after October 19, 2015.

(2) "Incised CCR surface impoundment" means a CCR surface impoundment which is constructed by excavating entirely below the natural ground surface, holds an accumulation of CCR entirely below the adjacent natural ground surface, and does not consist of any constructed diked portion.

(3) "Inflow design flood" means the flood hydrograph that is used in the design or modification of the CCR surface impoundments and its appurtenant works.

(4) "In operation" means the same as active life.

(J) [Reserved.]

(K) "Karst terrain" means an area where karst topography, with its characteristic erosional surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, dolines, collapsed shafts (sinkholes), sinking streams, caves, seeps, large springs, and blind valleys.

(L)



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- (1) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing CCR landfill or existing CCR surface impoundment made after October 19, 2015.
- (2) "Liquefaction factor of safety" means the factor of safety or safety factor determined using analysis under liquefaction conditions.
- (3) "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.
- (4) "Local government" means a subdivision of the state of Ohio including, but not limited to, a municipal corporation, a county, a township, a single or joint county solid waste management district, or a solid waste management authority.

(M)

- (1) "Major modification" means a change to a permit that is not considered a minor modification including a change that materially alters the CCR unit or its operations, a change that impacts the applicability of the requirements of this chapter, a change that could impact the protection of human health and the environment, and a change necessary to comply with new regulations, where these changes can only be implemented by substantially changing design, operational requirements, or compliance approaches in the permit, or where the revised regulation requires the application of significant technical judgment or discretion. A major modification is not considered a minor modification. Major modification includes but is not limited to the following:
 - (a) A lateral expansion.
 - (b) A reduction to the frequency or stringency of requirements for inspection, groundwater monitoring, sampling, analysis, recordkeeping, reporting, web posting, or maintenance activities by the permittee.
 - (c) A change to remove or relax a permit condition that is based on an underlying requirement that is no longer applicable, but where this change in applicability is not due to a regulatory change that was subject to public notice and a public comment period, a statutory change, or an order from a court.



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- (d) A reduction in the number, or substantial changes in location, depth, or design of groundwater monitoring wells required by the permit.
 - (e) The addition of a new CCR unit including a new landfill unit, a lateral expansion, or a new surface impoundment unit not already authorized by a CCR permit issued pursuant to this chapter.
 - (f) A physical change or changes in a management practice, which is not a minor modification.
 - (g) Addition of a corrective action program or changes to the corrective action requirements in the permit.
 - (h) A change to a plan approved in a permit, including reduction in the post-closure care period for any reason. This does not include administrative changes, a change that is a direct incorporation of a change to this chapter, or a minor modification to a closure plan.
 - (i) Extension of a final compliance date established in a permit condition.
 - (j) A change to a permit condition that is based on a change in an underlying regulatory or statutory requirement, which requires substantial changes to the design, operation, or compliance strategies established in the permit or which requires the application of significant technical judgement or discretion.
- (2) "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration at the ground surface as depicted on a seismic hazard map, with a ninety-eight per cent or greater probability that the acceleration will not be exceeded in fifty years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.
- (3) "Minor modification" means a change that does not substantially alter a permit condition or reduce the capacity of the facility to protect human health or the environment. Minor modification includes but is not limited to the following:
- (a) Administrative and informational changes, including changes to the name or contact information of permittees or other persons or agencies identified as points of contact in the permit or compliance plans, or changes to the name or address of the facility or CCR unit.
 - (b) Correction of typographical errors.
 - (c) Transfer of ownership or operational control of a facility.



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- (d) Changes to a permit condition to incorporate a change to a maximum contaminant level (MCL) under 40 C.F.R. 141.62 and 141.66, which serve as the underlying basis for the permit condition.
- (e) An increase to the frequency, duration, or stringency of the requirements or procedures for inspection, monitoring, recordkeeping, reporting, web posting, sampling, analytical methods, or maintenance activities by the permittee.
- (f) A change to monitoring, a sampling or analysis method or a or procedure to conform to a change in this chapter.
- (g) Replacement of an existing groundwater monitoring well that has been damaged or rendered inoperable, as close as possible to the original location, and of similar design and depth.
- (h) In the closure plan, an increase to the estimate of the maximum extent of operations or the maximum inventory of waste.

(N)

- (1) "Net working capital" means current assets minus current liabilities.
- (2) "Net worth" means total assets minus total liabilities and is equivalent to a person's equity.
- (3) "New CCR landfill" means a CCR landfill or lateral expansion of a CCR landfill that first receives CCR or commences construction after October 19, 2015. A new CCR landfill has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 19, 2015. Overfills are also considered new CCR landfills.
- (4) "New CCR surface impoundment" means a CCR surface impoundment or lateral expansion of an existing or new CCR surface impoundment that first receives CCR or commences construction after October 19, 2015. A new CCR surface impoundment has commenced construction if the owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction and a continuous on-site, physical construction program had begun after October 19, 2015.

(O)



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- (1) "Ohio EPA" means Ohio environmental protection agency.
- (2) "Operator" means the person responsible for the overall operation of a CCR unit. This term includes those persons or parties responsible for disposal or otherwise actively engaged in the solid waste management of CCR. It also includes those responsible for directing or overseeing groundwater monitoring, closure or post-closure activities at a CCR unit.
- (3) "Overfill" means a new CCR landfill constructed over a closed CCR surface impoundment.
- (4) "Owner" means the person who owns a CCR unit or part of a CCR unit, or a facility, whether in full or in part.

(P)

- (1) "Parent corporation" means a corporation or the ultimate corporation that directly owns at least fifty per cent of the voting stock of the corporation that holds a permit or license issued in accordance with applicable program chapters of the Administrative Code.
- (2) "Poor foundation conditions" mean those areas where features exist which indicate that a natural or human-induced event may result in inadequate foundation support for the structural components of an existing or new CCR unit. For example, failure to maintain static and seismic factors of safety as required in paragraph (E) of rule 3745-525-204 of the Administrative Code and paragraph (E) of rule 3745-525-205 of the Administrative Code would cause a poor foundation condition.
- (3) "Probable maximum flood" means the flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the drainage basin.

(Q)

- (1) "Qualified person" means a person or persons trained to recognize specific appearances of structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit by visual observation and, if applicable, to monitor instrumentation.
- (2) "Qualified professional engineer" means an individual who is licensed by a state as a professional engineer to practice one or more disciplines of engineering and who is qualified by education, technical knowledge and experience to make the specific technical certifications required under this chapter. Professional



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engineers making these certifications shall be currently licensed in the state where the CCR unit is located.

(R)

- (1) "Recognized and generally accepted good engineering practices" means engineering maintenance or operation activities based on established codes, widely accepted standards, published technical reports, or a practice widely recommended throughout the industry. Such practices generally detail approved ways to perform specific engineering, inspection, or mechanical integrity activities.
- (2) "Retrofit" means to remove all CCR and contaminated soils and sediments from the CCR surface impoundment, and to ensure the unit complies with the requirements in rule 3745-525-203 of the Administrative Code.
- (3) "Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, and groundwater) which can be expected to exhibit the average properties of the universe or whole. See EPA publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Chapter 9" (available at <https://www.epa.gov/hw-sw846/sw-846-compendium#chapters>) for a discussion and examples of representative samples.
- (4) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a CCR landfill or lateral expansion of a CCR landfill.
- (5) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a CCR landfill or lateral expansion of a CCR landfill.

(S)

- (1) "Sand and gravel pit or quarry" means an excavation for the extraction of aggregate, minerals or metals. The terms sand and gravel pit and quarry do not include subsurface or surface coal mines.
- (2) "Seismic factor of safety" means the factor of safety (safety factor) determined using analysis under earthquake conditions using the peak ground acceleration for a seismic event with a two per cent probability of exceedance in fifty years, equivalent to a return period of approximately two thousand five hundred years, based on the U.S. geological survey (USGS) seismic hazard maps for seismic events with this return period for the region where the CCR surface impoundment is located.



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- (3) "Seismic impact zone" means an area having a two per cent or greater probability that the maximum expected horizontal acceleration, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in fifty years.
- (4) "Slope protection" means engineered or non-engineered measures installed on the upstream or downstream slope of the CCR surface impoundment to protect the slope against wave action or erosion, including but not limited to rock riprap, wooden pile, or concrete revetments, vegetated wave berms, concrete facing, gabions, geotextiles, or fascines.
- (5) "Solid waste management" or "management" means the systematic administration of the activities which provide for the collection, source separation, storage, transportation, processing, treatment, or disposal of solid waste.
- (6) "Static factor of safety" or "safety factor" means the factor of safety determined using analysis under the long-term, maximum storage pool loading condition, the maximum surcharge pool loading condition, and under the end-of-construction loading condition.
- (7) "Structural components" mean liners, leachate collection and removal systems, final covers, run-on and run-off systems, inflow design flood control systems, and any other component used in the construction and operation of the CCR unit that is necessary to ensure the integrity of the unit and that the contents of the unit are not released into the environment.

(T)

- (1) "Tangible net worth" means the tangible assets that remain after deducting liabilities. For the purposes of this definition "tangible assets" do not include such intangibles as goodwill and rights to patents or royalties.
- (2) "Technically feasible" or "feasible" means possible to do in a way that would likely be successful.
- (3) "Technically infeasible" or "infeasible" means not possible to do in a way that would likely be successful.

(U)

- (1) "Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity, including structural components, of some or all of the CCR unit that are responsible for



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preventing releases from such unit. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

- (2) "Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary. Upper limit is measured at a point nearest to the natural ground surface to which the aquifer rises during the wet season.

(V) [Reserved.]

- (W) "Waste boundary" means a vertical surface located at the hydraulically downgradient limit of the CCR unit. The vertical surface extends down into the uppermost aquifer.