



Ohio Administrative Code

Rule 3745-570-221 Permit to install issuance.

Effective: April 6, 2025

(A) When acting on a permit to install, the director shall follow the appropriate procedures set forth in rule 3745-500-120 of the Administrative Code.

(B) Notwithstanding any deficiency, an application for a permit to install may be considered and acted upon if sufficient information is contained in the detail engineering plans, specifications, and information for the director to determine whether the criteria set forth in this rule are satisfied.

(C) The director shall not approve any permit to install application unless the director determines the following:

(1) Establishment or modification and operation of the infectious waste treatment facility will not violate Chapter 3704., 3714., 3734. or 6111. of the Revised Code.

(2) The owner or operator is capable of operating the infectious waste treatment facility in compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code.

(3) The owner or operator is capable of constructing, operating, and closing the infectious waste treatment facility in accordance with the terms and conditions of the permit to install and this chapter.

(4) The location of the infectious waste treatment facility is not located within any of the following:

(a) The boundaries of a regulatory floodplain.

(b) The boundaries of a floodplain as determined by the applicant based upon a design storm equal to the 100-year 24-hour rainfall event, defined in "Rainfall Frequency Atlas of the United States" and using standard methodologies set forth in "Urban Hydrology for Small Watersheds" and section four of the "National Engineering Hydrology Handbook" when no regulatory floodplain designation



exists.

(5) A permit to install application for the installation of a new incinerator demonstrates that infectious waste handling areas are not located within any of the following:

(a) Three hundred feet of the property line.

(b) One thousand feet of an occupied dwelling, school, jail, or prison in existence on the date the application for the permit to install is submitted.

(6) The owner and operator of the infectious waste treatment facility are in substantial compliance with, or on a legally enforceable schedule through issuance of an administrative order or judicial order to attain compliance with, Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code at solid waste facilities, infectious waste treatment facilities, construction and demolition debris facilities, and construction and demolition debris processing facilities they own or operate, and are in 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.

(7) The applicant meets the requirements of sections 3734.40 to 3734.47 of the Revised Code and the rules adopted thereunder.

(D) The director may consider at a minimum the following when determining whether or not to approve a permit to install application for an infectious waste treatment facility:

(1) The social and economic impact of the air contaminants, water pollutants, or other adverse environmental impact that may be a consequence of issuance of the permit to install.

(2) The impact the proposed or modified infectious waste treatment facility may have on corrective actions that have been taken, are presently being taken, or are proposed to be taken in the immediate area.

(E) The permit to install shall remain in effect until the director has received, and concurred with in



writing, certification that all closure activities have been completed, unless the permit has been terminated in accordance with rule 3745-500-330 of the Administrative Code or revoked in accordance with rule 3745-500-350 of the Administrative Code or for other lawful grounds.

(F) Incorporation by reference. The text of the incorporated materials is not included in this rule and is hereby made a part of this rule. Only the specific version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated until this rule has been amended to specify the new version. The availability of these documents is provided below; however, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio." As used in this rule:

(1) "National Hydrology Engineering Handbook," included in the United States department of agriculture, natural resources conservation service publication, "National Engineering Handbook," updated March 2020. The full text is available in electronic format at:
<https://directives.sc.egov.usda.gov/viewerfs.aspx?hid=21422>.

(2) National oceanic and atmospheric administration, national weather service publication, "Rainfall Frequency Atlas of the United States," updated 2006. The full text is available in electronic format at: https://www.weather.gov/media/owp/hdsc_documents/Atlas14_Volume2.pdf.

(3) United States department of agriculture, natural resources conservation service technical release number 55, "Urban Hydrology for Small Watersheds," updated June 1986. The full text is available in electronic format at: <https://www.nrc.gov/docs/ML1421/ML14219A437.pdf>.