



Ohio Administrative Code

Rule 3745-580-403 Criteria for approval and denial of a scrap tire recovery facility permit to install or registration certificate application.

Effective: June 30, 2023

(A) An application, notwithstanding any deficiency, may be considered and acted upon if sufficient information is contained in the application for the director to determine whether the criteria set forth in this rule are satisfied.

(B) Approval. The director shall not approve an application for a class I scrap tire recovery facility permit to install or a class II scrap tire recovery facility registration certificate unless the director determines all of the following:

(1) General criteria.

(a) The establishment or modification and operation of the scrap tire recovery facility will not violate Chapters 3704., 3734., 3745., or 6111. of the Revised Code and the rules adopted thereunder.

(b) An applicant or person listed as the owner or operator of the scrap tire recovery facility is in substantial compliance with, or is on a legally enforceable schedule through issuance of an administrative consent order or judicial consent order to attain compliance with applicable provisions of Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate. An applicant or person listed as the owner or operator is not in substantial compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code if the applicant has committed a significant or material violation of an environmental law or has committed numerous, other violations of environmental laws such that the violations reveal a practice of noncompliance with environmental laws.

(c) The applicant or person listed as the owner or operator has maintained a history of compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code by resolving all administrative and judicial enforcement actions that were brought against them that were based on a significant or material violation of an environmental law, or were based on numerous, other



violations of environmental laws that revealed a practice of noncompliance with environmental laws at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate or at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they have previously owned or operated. For purposes of this rule, an enforcement action has been resolved if the owner or operator has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the owner or operator has adjudicated the issue of whether they are in violation of environmental laws to finality.

(d) For an initial application, the applicant has submitted a draft financial assurance instrument and the closure cost estimate calculated in accordance with rules 3745-503-05 and 3745-580-22 of the Administrative Code.

(e) For an application submitted for a modification, the applicant has submitted the closure cost estimate calculated in accordance with rule 3745-580-22 of the Administrative Code.

(2) Siting criteria.

(a) The proposed scrap tire handling area is not located within the following:

(i) One thousand feet of a park in existence on the date of receipt of the application by Ohio EPA. The one thousand foot setback does not apply if the applicant obtains a written agreement from the owner or the designated authority of the park to locate the scrap tire handling area within one thousand feet of the park. The agreement shall be effective not later than the issuance date of the permit to install or registration certificate.

(ii) One thousand feet from the boundaries of the following natural areas in existence on the date of receipt of the application by Ohio EPA:

(A) Areas designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state wild, scenic or recreational river area, including areas designated by section 1517.05 or 1547.81 of the Revised Code.



(B) Areas designated, owned, and managed by the Ohio history connection as a nature preserve.

(C) Areas designated by the United States department of the interior as either a national wildlife refuge or a national wild, scenic, or recreational river.

(D) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.

(E) Stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

(b) The proposed outdoor scrap tire storage areas are not located within the following:

(i) One hundred feet of the facility property line or from buildings or structures not owned or leased by the owner or operator of the scrap tire recovery facility.

(ii) Five hundred feet of a domicile not owned or leased by the owner or operator of the scrap tire recovery facility or within two hundred feet of a domicile owned or leased by the owner or operator of the scrap tire recovery facility, unless all scrap tire storage areas located outside an enclosed building are separated from any such buildings or structures by an earthen berm, or by a building or structure owned or leased by the scrap tire recovery facility owner or operator, at least one and one half times the maximum height of the scrap tire storage pile.

(iii) Two hundred feet from any surface waters of the state unless the proposed outdoor scrap tire storage areas are separated from the surface water of the state by an earthen berm of sufficient height to control runoff from a fire at the facility.

(iv) Under bridges, elevated trestles, elevated roadways, elevated railroads, or electrical power lines having a voltage in excess of seven hundred fifty volts or that supply power to fire emergency systems.

(c) The scrap tire recovery facility is not located in a regulatory floodplain.



(3) Additional criteria.

(a) For a class I scrap tire recovery facility permit to install, the applicant meets the requirements of sections 3734.40 to 3734.47 of the Revised Code and the rules adopted thereunder.

(b) For a class I scrap tire recovery facility, the scrap tire storage area will not exceed the following:

(i) Twenty thousand square feet of whole, cut, baled, and rough shredded scrap tires.

(ii) Twenty thousand square feet of TDF and TDC.

(iii) Twenty thousand square feet of by-products and residuals from scrap tires, all component parts, partially assembled and fully assembled products made from scrap tires, and other processed scrap tire products other than TDF and TDC, including but not limited to crumb rubber.

(c) For a class II scrap tire recovery facility, the total scrap tire storage area will not exceed the following:

(i) Ten thousand square feet of whole, cut, baled, and rough shredded scrap tires.

(ii) Ten thousand square feet of TDF and TDC.

(iii) Ten thousand square feet of by-products and residuals from scrap tires, all component parts, partially assembled and fully assembled products made from scrap tires, and other processed scrap tire products other than TDF and TDC, including but not limited to crumb rubber.

(C) Upon approval, the permit to install or registration certificate shall remain in effect until the director has received, and approved in writing, certification that all necessary closure activities have been completed, unless the permit to install or registration certificate has been revoked in accordance with rule 3745-580-410 of the Administrative Code.

(D) Denial. The director may deny an approval for a permit to install or registration certificate for



any of the following reasons:

- (1) Any of the criteria in paragraph (B) of this rule that are applicable to the scrap tire recovery facility are not met.
- (2) The permit to install or registration certificate application is incomplete and the applicant has not corrected noted deficiencies identified by the director and resubmitted the application not later than thirty days after receipt of the notice of deficiency.
- (3) Falsification of any material information that is submitted to the director as part of the permit to install or registration certificate application.