



Ohio Administrative Code

Rule 3745-580-803 Criteria for approval and denial of a scrap tire beneficial use project.

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 a project for the beneficial use of scrap tires unless the director determines all of the following:

(1) The proposed beneficial use will not violate Chapter 3704., 3714., 3734., or 6111. of the Revised Code.

(2) The proposed beneficial use as described in the project will provide a sound engineering or financial benefit and is capable of being constructed and completed in accordance with rules 3745-580-800 to 3745-580-810 of the Administrative Code, as applicable.

(3) The beneficial use as described in the project will not create a nuisance or hazard to public health or safety or the environment.

(4) All proposed scrap tire storage areas meet the requirements of rule 3745-580-810 of the Administrative Code.

(5) The property owner and the applicant for the beneficial use are 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. A property owner and an applicant are not in substantial compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code if the property owner or applicant have 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.

(6) The property owner and the applicant have 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 property owner or applicant has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the property owner or applicant has adjudicated the issue of whether they are in violation of environmental laws to finality.

(7) All proposed scrap tire storage areas including portable containers are not located within the following:

(a) One hundred feet from any buildings or structures not owned or leased by the property owner or the applicant for the beneficial use.

(b) A regulatory floodplain.

(c) A park in existence on the date of receipt of the application by Ohio EPA.

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

(i) 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.



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

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

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

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

(e) Two hundred feet from surface waters of the state.

(f) Five hundred feet from a domicile not owned by the applicant.

(g) One hundred feet of any property line.

(C) The director may deny a beneficial use project application for any of the following reasons:

(1) Any of the applicable criteria specified in paragraph (B) of this rule are not met.

(2) The 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 required to be submitted to the director as part of the application.