

Am. Sub. H.B. 166
As Passed by the Senate
EPACD15

_____ moved to amend as follows:

- In line 61 of the title, after "3721.13," insert "3734.01," 1
- In line 267, after "3721.13," insert "3734.01," 2
- After line 41053, insert: 3
- "Sec. 3734.01.** As used in this chapter: 4
- (A) "Board of health" means the board of health of a city or 5
general health district or the authority having the duties of a 6
board of health in any city as authorized by section 3709.05 of 7
the Revised Code. 8
- (B) "Director" means the director of environmental 9
protection. 10
- (C) "Health district" means a city or general health district 11
as created by or under authority of Chapter 3709. of the Revised 12
Code. 13
- (D) "Agency" means the environmental protection agency. 14
- (E) "Solid wastes" means such unwanted residual solid or 15
semisolid material as results from industrial, commercial, 16
agricultural, and community operations, excluding earth or 17
material from construction, mining, or demolition operations, or 18

other waste materials of the type that normally would be included
in demolition debris, nontoxic fly ash and bottom ash, including
at least ash that results from the combustion of coal and ash that
results from the combustion of coal in combination with scrap
tires where scrap tires comprise not more than fifty per cent of
heat input in any month, spent nontoxic foundry sand, nontoxic,
nonhazardous, unwanted fired and unfired, glazed and unglazed,
structural products made from shale and clay products, and slag
and other substances that are not harmful or inimical to public
health, and includes, but is not limited to, garbage, scrap tires,
combustible and noncombustible material, street dirt, and debris.
"Solid wastes" does not include any material that is an infectious
waste or a hazardous waste.

(F) "Disposal" means the discharge, deposit, injection,
dumping, spilling, leaking, emitting, or placing of any solid
wastes or hazardous waste into or on any land or ground or surface
water or into the air, except if the disposition or placement
constitutes storage or treatment or, if the solid wastes consist
of scrap tires, the disposition or placement constitutes a
beneficial use or occurs at a scrap tire recovery facility
licensed under section 3734.81 of the Revised Code. "Disposal"
does not include the process of converting post-use polymers and
recoverable feedstocks using gasification or pyrolysis.

(G) "Person" includes the state, any political subdivision
and other state or local body, the United States and any agency or
instrumentality thereof, and any legal entity defined as a person
under section 1.59 of the Revised Code.

(H) "Open burning" means the burning of solid wastes in an
open area or burning of solid wastes in a type of chamber or
vessel that is not approved or authorized in rules adopted by the

director under section 3734.02 of the Revised Code or, if the
solid wastes consist of scrap tires, in rules adopted under
division (V) of this section or section 3734.73 of the Revised
Code, or the burning of treated or untreated infectious wastes in
an open area or in a type of chamber or vessel that is not
approved in rules adopted by the director under section 3734.021
of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into
a body or stream of water or onto the surface of the ground at a
site that is not licensed as a solid waste facility under section
3734.05 of the Revised Code or, if the solid wastes consist of
scrap tires, as a scrap tire collection, storage, monocell,
monofill, or recovery facility under section 3734.81 of the
Revised Code; the depositing of solid wastes that consist of scrap
tires onto the surface of the ground at a site or in a manner not
specifically identified in divisions (C)(2) to (5), (7), or (10)
of section 3734.85 of the Revised Code; the depositing of
untreated infectious wastes into a body or stream of water or onto
the surface of the ground; or the depositing of treated infectious
wastes into a body or stream of water or onto the surface of the
ground at a site that is not licensed as a solid waste facility
under section 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of
wastes in solid, liquid, semisolid, or contained gaseous form that
in the determination of the director, because of its quantity,
concentration, or physical or chemical characteristics, may do
either of the following:

(1) Cause or significantly contribute to an increase in
mortality or an increase in serious irreversible or incapacitating
reversible illness;

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) ~~"Storage," when~~ (1) When used in connection with 109
 hazardous waste, "storage" means the holding of hazardous waste 110
 for a temporary period in such a manner that it remains 111
 retrievable and substantially unchanged physically and chemically 112
 and, at the end of the period, is treated; disposed of; stored 113
 elsewhere; or reused, recycled, or reclaimed in a beneficial 114
 manner;; 115

(2) When used in connection with ~~solid wastes that consist of~~ 116
 scrap tires, "storage" means the holding of scrap tires for a 117
 temporary period in such a manner that they remain retrievable 118
 and, at the end of that period, are beneficially used; stored 119
 elsewhere; placed in a scrap tire monocell or monofill facility 120
 licensed under section 3734.81 of the Revised Code; processed at a 121
 scrap tire recovery facility licensed under that section or a 122
 solid waste incineration or energy recovery facility subject to 123
 regulation under this chapter; or transported to a scrap tire 124
 monocell, monofill, or recovery facility, any other solid waste 125
 facility authorized to dispose of scrap tires, or a facility that 126
 will beneficially use the scrap tires, that is located in another 127
 state and is operating in compliance with the laws of the state in 128
 which the facility is located;; 129

(3) When used in connection with recoverable feedstocks or 130
post-use polymers, "storage" means holding recoverable feedstocks 131
or post-use polymers for a period of less than ninety days, 132
provided all of the following apply: 133

(a) The recoverable feedstocks or post-use polymers remain 134
retrievable and substantially unchanged physically and chemically; 135

(b) The storage of recoverable feedstocks or post-use 136
polymers does not cause a nuisance; 137

(c) The storage of recoverable feedstocks or post-use 138

<u>polymers does not pose a threat from vectors;</u>	139
<u>(d) The storage of recoverable feedstocks or post-use polymers does not adversely impact public health, safety, or the environment;</u>	140
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<u>(e) Prior to the end of the storage period of less than ninety days, the recoverable feedstocks or post-use polymers are converted using gasification or pyrolysis.</u>	143
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(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.	146
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(O) "Closure" means the time at which a hazardous waste facility will no longer accept hazardous waste for treatment, storage, or disposal, the time at which a solid waste facility will no longer accept solid wastes for transfer or disposal or, if the solid wastes consist of scrap tires, for storage or processing, or the effective date of an order revoking the permit for a hazardous waste facility or the registration certificate, permit, or license for a solid waste facility, as applicable.	153
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"Closure" includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including, but not limited to, the removal of processing residues resulting from solid wastes that consist of scrap tires; the establishment and maintenance of a suitable cover of soil and vegetation over cells in which hazardous waste or solid wastes are buried; minimization of erosion, the infiltration of surface water into such cells, the	161
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production of leachate, and the accumulation and runoff of 169
contaminated surface water; the final construction of facilities 170
for the collection and treatment of leachate and contaminated 171
surface water runoff, except as otherwise provided in this 172
division; the final construction of air and water quality 173
monitoring facilities, except as otherwise provided in this 174
division; the final construction of methane gas extraction and 175
treatment systems; or the removal and proper disposal of hazardous 176
waste or solid wastes from a facility when necessary to protect 177
public health or safety or to abate or prevent air or water 178
pollution. With regard to a solid waste facility that is a scrap 179
tire facility, "closure" includes the final construction of 180
facilities for the collection and treatment of leachate and 181
contaminated surface water runoff and the final construction of 182
air and water quality monitoring facilities only if those actions 183
are determined to be necessary. 184

(P) "Premises" means either of the following: 185

(1) Geographically contiguous property owned by a generator; 186

(2) Noncontiguous property that is owned by a generator and 187
connected by a right-of-way that the generator controls and to 188
which the public does not have access. Two or more pieces of 189
property that are geographically contiguous and divided by public 190
or private right-of-way or rights-of-way are a single premises. 191

(Q) "Post-closure" means that period of time following 192
closure during which a hazardous waste facility is required to be 193
monitored and maintained under this chapter and rules adopted 194
under it, including, without limitation, operation and maintenance 195
of methane gas extraction and treatment systems, or the period of 196
time after closure during which a scrap tire monocell or monofill 197
facility licensed under section 3734.81 of the Revised Code is 198

required to be monitored and maintained under this chapter and	199
rules adopted under it.	200
(R) "Infectious wastes" means any wastes or combination of	201
wastes that include cultures and stocks of infectious agents and	202
associated biologicals, human blood and blood products, and	203
substances that were or are likely to have been exposed to or	204
contaminated with or are likely to transmit an infectious agent or	205
zoonotic agent, including all of the following:	206
(1) Laboratory wastes;	207
(2) Pathological wastes;	208
(3) Animal blood and blood products;	209
(4) Animal carcasses and parts;	210
(5) Waste materials from the rooms of humans, or the	211
enclosures of animals, that have been isolated because of	212
diagnosed communicable disease that are likely to transmit	213
infectious agents. Such waste materials from the rooms of humans	214
do not include any wastes of patients who have been placed on	215
blood and body fluid precautions under the universal precaution	216
system established by the centers for disease control in the	217
public health service of the United States department of health	218
and human services, except to the extent specific wastes generated	219
under the universal precautions system have been identified as	220
infectious wastes by rules adopted under division (R)(7) of this	221
section.	222
(6) Sharp wastes used in the treatment, diagnosis, or	223
inoculation of human beings or animals;	224
(7) Any other waste materials generated in the diagnosis,	225
treatment, or immunization of human beings or animals, in research	226
pertaining thereto, or in the production or testing of	227

biologicals, that the director of health, by rules adopted in 228
accordance with Chapter 119. of the Revised Code, identifies as 229
infectious wastes after determining that the wastes present a 230
substantial threat to human health when improperly managed because 231
they are contaminated with, or are likely to be contaminated with, 232
infectious agents. 233

As used in this division, "blood products" does not include 234
patient care waste such as bandages or disposable gowns that are 235
lightly soiled with blood or other body fluids unless those wastes 236
are soiled to the extent that the generator of the wastes 237
determines that they should be managed as infectious wastes. 238

(S) "Infectious agent" means a type of microorganism, 239
pathogen, virus, or proteinaceous infectious particle that can 240
cause or significantly contribute to disease in or death of human 241
beings. 242

(T) "Zoonotic agent" means a type of microorganism, pathogen, 243
or virus that causes disease in vertebrate animals, is 244
transmissible to human beings, and can cause or significantly 245
contribute to disease in or death of human beings. 246

(U) "Solid waste transfer facility" means any site, location, 247
tract of land, installation, or building that is used or intended 248
to be used primarily for the purpose of transferring solid wastes 249
that were generated off the premises of the facility from vehicles 250
or containers into other vehicles for transportation to a solid 251
waste disposal facility. "Solid waste transfer facility" does not 252
include any facility that consists solely of portable containers 253
that have an aggregate volume of fifty cubic yards or less nor any 254
facility where legitimate recycling activities are conducted. 255

(V) "Beneficially use" includes: 256

(1) With regard to scrap tires, to use a scrap tire in a manner that results in a commodity for sale or exchange or in any other manner authorized as a beneficial use in rules adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) With regard to material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material, to use the material in any manner authorized as a beneficial use in rules adopted by the director under section 3734.125 of the Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery," "motor bus," "vehicles," "motor vehicle," and "semitrailer" have the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, or in mining or producing or processing aggregates, and not designed for or used in general highway transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.

(AA) "Scrap tire collection facility" means any facility that meets all of the following qualifications:

(1) The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap

tires will be beneficially used; or a scrap tire storage, 286
 monocell, monofill, or recovery facility, any other solid waste 287
 disposal facility authorized to dispose of scrap tires, or a 288
 facility that will beneficially use the scrap tires, that is 289
 located in another state, and that is operating in compliance with 290
 the laws of the state in which the facility is located. 291

(2) The facility exclusively stores scrap tires in portable 292
 containers. 293

(3) The aggregate storage of the portable containers in which 294
 the scrap tires are stored does not exceed five thousand cubic 295
 feet. 296

(BB) "Scrap tire monocell facility" means an individual site 297
 within a solid waste landfill that is used exclusively for the 298
 environmentally sound storage or disposal of whole scrap tires or 299
 scrap tires that have been shredded, chipped, or otherwise 300
 mechanically processed. 301

(CC) "Scrap tire monofill facility" means an engineered 302
 facility used or intended to be used exclusively for the storage 303
 or disposal of scrap tires, including at least facilities for the 304
 submergence of whole scrap tires in a body of water. 305

(DD) "Scrap tire recovery facility" means any facility, or 306
 portion thereof, for the processing of scrap tires for the purpose 307
 of extracting or producing usable products, materials, or energy 308
 from the scrap tires through a controlled combustion process, 309
 mechanical process, or chemical process. "Scrap tire recovery 310
 facility" includes any facility that uses the controlled 311
 combustion of scrap tires in a manufacturing process to produce 312
 process heat or steam or any facility that produces usable heat or 313
 electric power through the controlled combustion of scrap tires in 314
 combination with another fuel, but does not include any solid 315

waste incineration or energy recovery facility that is designed, 316
 constructed, and used for the primary purpose of incinerating 317
 mixed municipal solid wastes and that burns scrap tires in 318
 conjunction with mixed municipal solid wastes, or any tire 319
 retreading business, tire manufacturing finishing center, or tire 320
 adjustment center having on the premises of the business a single, 321
 covered scrap tire storage area at which not more than four 322
 thousand scrap tires are stored. 323

(EE) "Scrap tire storage facility" means any facility where 324
 whole scrap tires are stored prior to their transportation to a 325
 scrap tire monocell, monofill, or recovery facility licensed under 326
 section 3734.81 of the Revised Code; a solid waste incineration or 327
 energy recovery facility subject to regulation under this chapter; 328
 a premises within the state where the scrap tires will be 329
 beneficially used; or a scrap tire storage, monocell, monofill, or 330
 recovery facility, any other solid waste disposal facility 331
 authorized to dispose of scrap tires, or a facility that will 332
 beneficially use the scrap tires, that is located in another 333
 state, and that is operating in compliance with the laws of the 334
 state in which the facility is located. 335

(FF) "Used oil" means any oil that has been refined from 336
 crude oil, or any synthetic oil, that has been used and, as a 337
 result of that use, is contaminated by physical or chemical 338
 impurities. "Used oil" includes only those substances identified 339
 as used oil by the United States environmental protection agency 340
 under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 341
 U.S.C.A. 6901a, as amended. 342

(GG) "Accumulated speculatively" has the same meaning as in 343
 rules adopted by the director under section 3734.12 of the Revised 344
 Code. 345

(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code. 346
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(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code. 348
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(JJ) "Post-use polymer" means a plastic polymer to which both of the following apply: 351
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(1) It is derived from any source and is not being used for its original intended purpose. 353
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(2) Its use or intended use is to manufacture crude oil, fuels, other raw materials, intermediate products, or final products using pyrolysis or gasification. 355
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"Post-use polymer" may contain incidental contaminants or impurities, such as paper labels or metal rings. 358
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(KK) "Pyrolysis" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted to one of the following: 360
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(1) Crude oil, diesel, gasoline, home heating oil, or another fuel; 364
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(2) Feedstocks; 366

(3) Diesel and gasoline blendstocks; 367

(4) Chemicals, waxes, or lubricants; 368

(5) Other raw materials, intermediate products, or final products. 369
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(LL) "Gasification" means a process through which recoverable feedstocks are heated and converted into a fuel-gas mixture in an 371
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oxygen-deficient atmosphere, and the mixture is converted into 373
fuel, including ethanol and transportation fuel, chemicals, or 374
other chemical feedstocks. 375

(MM) "Recoverable feedstock" means one or more of the 376
following materials, derived from nonrecycled waste, that have 377
been processed for use as a feedstock in a gasification facility: 378

(1) Post-use polymers; 379

(2) Materials for which the United States environmental 380
protection agency has made a non-waste determination under 40 381
C.F.R. 241.3(c) or has otherwise determined are not solid waste." 382

In line 82857, after "3721.13," insert "3734.01," 383

The motion was _____ agreed to.

SYNOPSIS

Post-use polymers and recoverable feedstocks 384

R.C. 3734.01 385

Excludes post-use polymers and recoverable feedstocks from 386
the laws governing solid waste disposal if all of the following 387
apply: 388

1. The post-use polymers or recoverable feedstocks are stored 389
for a period of less than 90 days; 390

2. The post-use polymers or recoverable feedstocks remain 391
retrievable and substantially unchanged physically and chemically; 392

3. The storage of post-use polymers or recoverable feedstocks 393
does not cause a nuisance; 394

4. The storage of post-use polymers or recoverable feedstocks	395
does not pose a threat from vectors (e.g., insects or vermin);	396
5. The storage of post-use polymers or recoverable feedstocks	397
does not adversely impact public health, safety, or the	398
environment; and	399
6. Prior to the end of the 90-day or less storage period, the	400
post-use polymers or recoverable feedstocks are converted using	401
gasification or pyrolysis.	402
Specifies that a post-use polymer is a plastic polymer to	403
which both of the following apply:	404
1. It is derived from any source and is not being used for	405
its original intended purpose; and	406
2. Its use or intended use is to manufacture crude oil,	407
fuels, other raw materials, intermediate products, or final	408
products using pyrolysis or gasification.	409
Specifies that a recoverable feedstock is one or more of the	410
following materials, derived from nonrecycled waste, that have	411
been processed for use as a feedstock in a gasification facility:	412
1. Post-use polymers; or	413
2. Materials for which the U.S. Environmental Protection	414
Agency has made a nonwaste determination or has otherwise	415
determined are not solid waste.	416
Specifies that pyrolysis is a process through which post-use	417
polymers are heated in the absence of oxygen until melted and	418
thermally decomposed, and are then cooled, condensed, and	419
converted into certain fuels and other materials.	420
Specifies that gasification is a process through which	421
recoverable feedstocks are heated and converted into a fuel-gas	422

mixture in an oxygen-deficient atmosphere, and the mixture is
converted into certain fuels or other specified materials.

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