

3745-400-06 Prohibited locations for construction and demolition debris facilities.

(A) Paragraph (B) of this rule does not apply to a facility operating or under construction on July 24, 1990, the effective date of section 3714.06 of the Revised Code, or to the expansion of such facility onto contiguous land owned by the facility owner or operator on the date the initial license application for the facility was submitted to the licensing authority.

(B) No portion of a construction and demolition debris facility shall be located in either of the following locations:

(1) Within the boundaries of the one-hundred-year flood plain of a watercourse, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from the licensing authority in accordance with paragraph (C)(2) of rule 3745-400-15 of the Administrative Code. With respect to watercourses or portions thereof for which no such maps have been prepared, the boundaries of the one-hundred-year flood plain shall be determined by the applicant for a license based upon a design storm of seven inches of precipitation in twenty-four hours and upon standard methodologies set forth in "Urban Hydrology for Small Watersheds" (Soil Conservation Service Technical Release Number 55) and Section 4 of the "National Engineering Hydrology Handbook" of the Soil Conservation Service of the United States department of agriculture.

[Comment: Note that the above-mentioned maps also include flood plains not associated with a watercourse. Location in such flood plains is not prohibited by this rule. However there may be other authorities, such as local zoning boards or the Federal Emergency Management Agency that may otherwise restrict a facility from locating in a flood plain.]

(2) Within the boundaries of a sole source aquifer designated by the Administrator of the United States environmental protection agency under the "Safe Drinking Water Act," 88 Stat. 1660 , 42 U.S.C.A. 300F, as amended.

[Comment: For facilities established after September 30, 1996, an exemption to the provisions of paragraph (B)(1) of this rule may be granted through paragraph (D)(2) of rule 3745-400-15 of the Administrative Code. No exemptions can be granted from the provisions of paragraph (B)(2) of this rule in accordance with section 3714.04 of the Revised Code.]

Effective: August 31, 2002

R.C. 119.032 review dates: May 9, 2001 ; August 31, 2007

Certification: _____

June 24, 2002
(Date)

Promulgated Under: R.C. Chapter 119
Statutory Authority: R.C. Section 3714.02
Rule Amplifies: R.C. Section 3714.02
Prior Effective Dates: September 30, 1996