

**Table 4: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-07 Requirements for Proposed Permit Modification**

OAC 3745-27-07 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(A) General criteria. The director shall not approve any permit to install application for a sanitary landfill facility unless the director determines all of the following:</p> <p>(1) Establishment or modification and operation of the sanitary landfill facility will not violate Chapter 3704., 3734., or 6111. of the Revised Code.</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>NA</p>
<p>(2) The sanitary landfill facility will be capable of being constructed, operated, closed, and maintained during the post-closure care period in accordance with Chapter 3745-27 of the Administrative Code, and with the terms and conditions of the permit.</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>NA</p>
<p>(3) The applicant, and/or the person(s) listed as owner and operator if the owner and operator are not the applicant, who has been or is currently responsible for the management or operation of one of more solid waste facilities, has managed or operated such facility in substantial compliance with applicable provisions of Chapters 3704., 3734., 3714., and 6111. of the Revised Code, and any rules, permits or other authorizations issued thereunder, and has maintained 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, in the course of such previous or current management or operations. The director may take into consideration whether substantial compliance has been maintained with any applicable order from a board of health maintaining a program on the approved list and any other courts having jurisdiction.</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>NA</p>
<p>(4) The person listed as operator meets the requirements of division (L) of section 3734.02 of the Revised Code and rules adopted thereunder.</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>NA</p>
<p>(5) The applicant meets the requirements of sections 3734.42 to 3734.44 of the Revised Code and rules adopted thereunder.</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>NA</p>
<p>(B) Discretionary criteria. The director may consider, when determining whether or not to approve a permit to install application for a sanitary landfill facility, the following:</p> <p>(1) The impact the establishment or modification of the sanitary landfill facility may have on corrective measures that have been taken, are presently being taken, or are proposed to be taken at the facility or in the immediate area.</p>	<p>This is a procedural rule which does not does not involve the permit modification documents.</p>	<p>NA.</p>
<p>(2) The technical ability of the owner or operator to adequately monitor the impact of the sanitary landfill facility on the environment.</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>No update is required for this rule subsection.</p>

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<p>(C) Design criteria. The director shall not approve a permit to install application for any of the following unless the director determines that the application conforms to the appropriate sections of rule 3745-27-08 of the Administrative Code as follows:</p> <p>(1) Proposed new unit(s) of a new landfill or proposed new unit(s) contiguous or noncontiguous to an existing landfill shall comply with paragraphs (B), (C), and(D) of rule 3745-27-08 of the Administrative Code.</p> <p>[Comment: This requirement does not apply to new unit(s) designated on June 1, 1994 that are within a previously authorized fill area. Construction in an existing unit and new unit(s) designated as of June 1, 1994, must be in accordance with the applicable authorizing document(s), including a plan approval, operational report, and permit to install. See paragraph (C) of rule 3745-27-19 of the Administrative Code. Unfilled areas of an existing unit and new unit(s) designated as of June 1, 1994, and not provided with a bottom liner/leachate collection system in accordance with paragraph (D) of rule 3745-27-08 of the Administrative Code are subject to paragraph (C) of rule 3745-27-19 and paragraph (A) of rule 3745-27-20 of the Administrative Code.]</p>	<p>This is a procedural rule which does not involve the permit modification documents.</p>	<p>The permit modification application will be designed to meet 3745-27-08 (B), (C), and (D).</p>
<p>(2) A proposed vertical expansion, as defined in rule 3745-27-01 of the Administrative Code, shall do the following:</p> <p>(a) At a minimum, comply with paragraphs (B)(1)(a) and (B)(1)(e) to (B)(1)(h), paragraph (B)(2) as required, paragraph (B)(3) as relevant, paragraphs (C)(4) to (C)(7), and paragraphs (D)(1) to (D)(3) and (D)(18) to (D)(27) of rule 3745-27-08 of the Administrative Code if the expansion is above the authorized fill area(s) of the sanitary landfill facility.</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>
<p>(b) At a minimum, comply with paragraphs (B), (C), and (D) of rule 3745-27-08 of the Administrative Code if the vertical expansion is below the authorized fill area(s) of the sanitary landfill facility.</p> <p>[Comment: If a landfill is permitted to vertically expand below a previously approved, but unfilled, area, that area must be constructed in accordance with current rule requirements.]</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>

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<p>(3) Vertical expansion construction. For a permit application submitted after the effective date of this rule that includes a vertical expansion over an authorized fill area, the expansion area(s) must be constructed over either of the following:</p> <p>(a) A separatory liner system constructed in accordance with rule 3745-27-08 of the Administrative Code.</p>	This rule does not apply to the permit modification.	NA
<p>(b) An authorized fill area that is underlain by a composite liner or engineered liner previously approved by the director, and a leachate collection system.</p>	This rule does not apply to the permit modification.	NA
<p>(4) Applications for a sanitary landfill facility submitted in response to divisions (A)(3) and (A)(4) of section 3734.05 of the Revised Code shall comply with paragraphs (B), (C), and (D) of rule 3745-27-08 of the Administrative Code, with the exception that filled areas of the sanitary landfill facility shall, at a minimum, meet the requirements of paragraphs (D)(1) to (D)(4), (D)(18) to (D)(23), and (D)(25) to (D)(27) of rule 3745-27-08 of the Administrative Code.</p>	This rule does not apply to the permit modification.	NA
<p>(5) Permit to install applications exclusively requesting a change in technique of waste receipt, or type of waste received, or type of equipment used, need not comply with rule 3745-27-08 of the Administrative Code.</p>	This rule does not apply to the permit modification.	NA
<p>(6) Applications exclusively requesting a change in the authorized maximum daily waste receipt (AMDWR) and submitted pursuant to paragraph (E) of this rule need not comply with rule 3745-27-08 of the Administrative Code.</p>	This rule does not apply to the permit modification.	NA
<p>(7) Other modifications of a sanitary landfill facility, as that term is defined in rule 3745-31-01 of the Administrative Code shall comply with the relevant paragraphs of rule 3745-27-08 of the Administrative Code.</p>	This rule does apply to the permit modification.	The permit modification will be prepared to comply with relevant paragraphs of OAC 3745-27-08.
<p>(D) [Reserved.]</p>	This rule does not apply to the permit modification.	NA
<p>(E) Additional criteria for authorized maximum daily waste receipt (AMDWR) increase applications. The director shall not approve a permit to install application for a permanent change in the AMDWR for the sanitary landfill facility unless the owner or operator demonstrates that the sanitary landfill facility can operate in compliance with all applicable solid waste regulations while receiving the requested maximum daily waste receipt. An adequate demonstration for a sanitary landfill facility includes, but is not limited to, the following:</p> <p>(1) An explanation of the overall site design including construction time frames and fill sequences for the sanitary landfill facility.</p>	This rule does not apply to the permit modification.	NA

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(2) Operational criteria such as the sanitary landfill facility's equipment availability cover availability, and manpower.	This rule does not apply to the permit modification.	NA
(3) If applicable, the owner's or operator's previous compliance histories throughout the life of the sanitary landfill facility and the daily logs for any period that the sanitary landfill facility was out of compliance. [Comment: An application for a temporary increase in the AMDWR must satisfy the criteria specified in rule 3745-37-14 of the Administrative Code.]	This rule does not apply to the permit modification.	No update is required for this rule subsection.
(F) Applicability of location restriction demonstrations to proposed new unit(s). (1) Proposed new unit(s). For a permit to install application for a proposed new unit(s), the director shall not approve the permit to install application for the proposed new unit(s), unless the director determines that the owner or operator has demonstrated compliance with the location restriction demonstration requirements specified in rule 3745-27-20 of the Administrative Code.	This rule applies to the permit modification.	No documents are required for the permit modification because the existing permit to install has demonstrated compliance with the location restriction demonstration requirements specified in rule 3745-27-20 of the Administrative Code.
(2) The director shall not approve a permit to install application submitted in accordance with divisions (A)(3) and (A)(4) of section 3734.05 of the Revised Code unless the director determines that the owner or operator has demonstrated that any unfilled areas of the sanitary landfill facility comply with the location restriction demonstration requirements specified in rule 3745-27-20 of the Administrative Code.	This rule does not apply to the permit modification.	NA
(G) Applicability of siting criteria. For the purposes of this rule, an "authorized fill area" is an area within the limits of solid waste placement of a sanitary landfill facility which is authorized, by a permit(s) to install, plan approval, operational report, or other authorizing document(s) to accept solid waste as of the date of submittal of the permit to install application for a new unit. The director shall not approve the permit to install application for a sanitary landfill facility unless the director determines that the application meets the criteria specified in paragraph (H) of this rule, as follows:	Per paragraph 4 of this rule, siting criteria is not applicable for the proposed permit modification.	NA

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<p>(1) Call- in permits. A sanitary landfill facility for which the permit to install application, including any proposed new unit(s) and/or a proposed vertical expansion, is submitted in response to division (A)(3) or (A)(4) section 3734.05 of the Revised Code, shall meet all the criteria specified in paragraph (H) of this rule; however, the director may approve the application for one or more noncontiguous unit(s) which meet the criteria specified in paragraph (H) of this rule, even though other unit(s) do not meet the criteria specified in paragraph (H) of this rule.</p> <p>[Comment: The purpose of a call- in permit is to upgrade a facility to the standards in Chapter 3745-27 of the Administrative Code. The review of a call in permit should be distinguished from a "voluntary" expansion, or AMDWR permit application. Since the call-in process looks at the entire facility, including any expansions proposed in the call-in application, a voluntary application which may be approvable by itself may not be adequate when viewed in the context of the entire facility. It is the applicant's option to submit voluntary vertical or lateral expansions with the call- in application or to submit a voluntary application before the call-in application.]</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>
<p>(2) Operation changes. A permit to install application that exclusively proposes a substantial change in technique of waste receipt, or type of waste received, or type of equipment used at the sanitary landfill facility, need not comply with the criteria specified in paragraph (H) of this rule.</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>
<p>(3) AMDWR increase. A permit to install application which exclusively proposes a change in the AMDWR limit for the sanitary landfill facility need not comply with the criteria specified in paragraph (H) of this rule.</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>
<p>(4) Other modification permits. A permit to install application that incorporates a "modification" of the sanitary landfill facility, as that term is defined in rule -3745-27-02 of the Administrative Code, and the modification does not incorporate a capacity increase or otherwise change the vertical or horizontal limits of waste placement, need not comply with the criteria specified in paragraph (H) of this rule.</p>	<p>This rule applies to the permit modification. The modification does not include a capacity increase therefore the modification need not comply with criteria in paragraph (H).</p>	<p>The permit modification is not required to address siting criteria in paragraph (H) of this rule.</p>

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<p>(5) Vertical expansion. For the purposes of this rule, a vertical expansion, as defined in rule 3745-27-01 of the Administrative Code, includes the proposed vertical expansion and all waste within the vertical projection above or below the proposed vertical expansion. When evaluation a proposed vertical expansion, the director shall apply the following criteria:</p> <p>(a) All of the criteria specified in paragraph (H) of this rule, except for paragraph (H)(4) of this rule (general setbacks). [Comment: Paragraph (H)(4) of this rule includes setbacks for natural areas, 300 feet from facility boundary, 1000 feet from domicile, and 200 feet from surface waters.]</p>	This rule does not apply to the permit modification.	NA
<p>(b) The criteria specified below apply to all areas of the authorized fill area that are contiguous to the proposed vertical expansion but which are not directly above or below the proposed vertical expansion:</p> <p>(i) Paragraph (H)(1) of this rule (location in national park, etc.).</p>	This rule does not apply to the permit modification.	NA
<p>(ii) Paragraph (H)(2) of this rule (ground water aquifer system protection). [Comment: Paragraph (H)(2) includes protection standards for sand/gravel pits, limestone/sandstone quarries, sole source aquifer system, one hundred gallons per minute(gpm) aquifer system, and fifteen-foot separation distance.] [Comment: See diagram no. 1 in appendix I of this rule. Vertical expansion permits seek a voluntary vertical change in waste placement boundaries. A decision for final denial of a voluntary vertical expansion permit application does not alter the current authorizing document(s) for the facility. Filling may continue in the authorized fill area in accordance with the applicable authorizing document(s).]</p>	This rule does not apply to the permit modification.	NA
<p>(6) Proposed new unit(s). Proposed new unit(s) of a sanitary landfill facility shall meet all of the criteria specified in paragraph (H) of this rule; however, the director may approve the application for one or more noncontiguous proposed new unit(s) that meet the criteria specified in paragraph (H) of this rule, even though other proposed new unit(s) do not meet the criteria specified in paragraph (H) of this rule. [Comment: If a proposed new unit(s) is an expansion to the authorized fill area of an existing landfill, see paragraph (G)(7) of this rule for the applicability of siting criteria to the authorized fill area of the existing landfill.]</p>	This rule does not apply to the permit modification.	NA

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<p>(7) "Authorized fill area," that is contiguous or noncontiguous to a proposed new unit(s).</p> <p>(a) Noncontiguous authorized fill area. When evaluating a proposed new unit(s), the criteria specified in paragraph (H) of this rule do not apply to an authorized fill area that is noncontiguous with the new unit(s) proposed in the permit to install application.</p> <p>[Comment: In this situation, the permit to install application proposes a "new unit" (lateral expansion area) of the facility that is not contiguous to the currently permitted fill area (the "authorized fill area"). All siting criteria apply to the "new unit;" no siting criteria apply to the authorized fill area. See diagram no. 2 in appendix I of this rule.]</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>

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<p>(b) Contiguous authorized fill area. When evaluating a permit to install application that includes a proposed contiguous new unit(s) without a vertical expansion above or below some or all of the authorized fill areas, the following apply: [Comment: In the situation addressed in this paragraph, the permit to install application proposes a "new unit" (lateral expansion area) of the facility that is contiguous to the currently permitted fill area (the "authorized fill area"). All siting criteria apply to the "new unit;" however, paragraphs (G)(7)(b)(i) and (G)(7)(b)(ii) of this rule specify the criteria that apply to the authorized fill area. A final denial decision on the voluntary proposed new unit(s) application does not alter the approval to fill in the authorized fill area.]</p> <p>(i) When evaluating a proposed new unit(s), the following criteria specified in paragraph (H) of this rule do not apply to the authorized fill area contiguous with the new unit(s) proposed in the permit to install application:</p> <p>(a) Paragraph (H)(3) of this rule (ground water setbacks). (b) Paragraph (H)(4) of this rule (general setbacks). [Comment: Paragraph (H)(3) of this rule includes setbacks for five year time of travel to public water supply well, underground mines, and one thousand feet from water supply well. Paragraph (H)(4) of this rule includes setbacks or natural areas, three hundred feet from facility boundary, one thousand feet from domicile, and two hundred feet from surface waters.]</p> <p>(ii) When evaluating proposed new unit(s), the following criteria always apply to the authorized fill area contiguous to the new unit(s) in the permit to install application:</p> <p>(a) Paragraph (H)(1) of this rule (location in national park, etc.). (b) Paragraph (H)(2) of this rule (ground water aquifer system protection). [Comment: Paragraph (H)(2) of this rule includes protection standards for sand/gravel pits, limestone/sandstone quarries, sole source aquifer system, one hundred gpm aquifer system, and fifteen foot separation distance.]</p>		

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<p>(c) Contiguous new unit, authorized fill area, and vertical expansion. When evaluating a permit to install application that includes a proposed contiguous new unit(s) and also includes a vertical expansion above or below some or all of the authorized fill area, the following apply:</p> <p>(i) Evaluate the vertical expansion component of the permit to install application in accordance with paragraph (G)(5) of this rule, and, if it meets the criteria specified in paragraph (G)(5) of this rule, then</p> <p>(ii) Evaluate the proposed new unit(s) component of the permit to install application and the authorized fill area in accordance with paragraph (G)(6) of this rule.</p> <p>[Comment: See diagram no. 3 in appendix I of this rule. If the vertical expansion component does not meet the criteria specified in paragraph (G)(5) of this rule, then the applicant may consider revising the application to meet the requirements specified in paragraph (G)(7)(b) of this rule. A final denial decision on this voluntary permit does not alter the filling approved in the authorized fill area.]</p>	<p>This rule does not apply to the permit modification.</p>	<p>NA</p>
<p>(H) Siting criteria.</p> <p>(1) National parks, national recreation areas, and state parks. The limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of or within any of the following areas, in existence on the date of receipt of the permit to install application by Ohio EPA:</p> <p>(a) National park or recreation area.</p> <p>(b) Candidate area for potential inclusion in the national park system.</p> <p>(c) State park or established state park purchase area.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA.</p>

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<p>(d) Any property that lies within the boundaries of a national park or recreation area but that has not been acquired or is not administered by the secretary of the United States department of the interior. The one-thousand- foot setback from the limits of solid waste placement does not apply if the applicant obtains a written authorization from the owner(s) and the designated authority of the areas designated in paragraph (H)(1) of this rule to locate the limits of solid waste placement within one thousand feet. Such authorizations must be effective prior to the issuance date of the permit. [Comment: Pursuant to division (M) of section 3734.02 of the Revised Code, the limits of solid waste placement cannot be located within these areas.] If the sanitary landfill facility is located within a park or recreation area and exclusively disposes of wastes generated within the park or recreation area, this paragraph shall not apply.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>
<p>(2) Ground water aquifer system protection. (a) Sand or gravel pit. The sanitary landfill facility is not located in a sand or gravel pit where the sand or gravel deposit has not been completely removed. For the purposes of this paragraph, a sand or gravel pit is an excavation resulting from a mining operation where the removal of sand or gravel is undertaken for use in another location or for commercial sale. This term does not include excavations or sand or gravel resulting from the construction of the sanitary landfill facility.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>
<p>(b) Limestone or sandstone quarry. The sanitary landfill facility is not located in a limestone quarry or sandstone quarry. For the purposes of this paragraph, a limestone or sandstone quarry is an excavation resulting from a mining operation where limestone or sandstone is the principal material excavated for use in another location or for commercial sale. This term does not include excavation of limestone resulting from the construction of the sanitary landfill facility.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>
<p>(c) Sole source aquifer. The sanitary landfill facility is not located above an aquifer declared by the federal government under the Safe Drinking Water Act, 42 U.S.C 300f et. seq. (2003), to be a sole source aquifer prior to the date of receipt of the permit to install application by Ohio EPA.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>

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<p>(d) One hundred gallons per minute (gpm) aquifer system. The sanitary landfill facility is not located above an unconsolidated aquifer system capable of sustaining a yield of one hundred gpm for a twenty-four hour period to an existing or future water supply well located within one thousand feet of the limits of solid waste placement of the sanitary landfill facility.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>
<p>(e) Isolation distance. The isolation distance between the uppermost aquifer system and the bottom of the recompacted soil liner of a sanitary landfill facility is not less than fifteen feet of in-situ or added geologic material constructed in accordance with rule 3745-27-08 of the Administrative Code.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>
<p>(3) Ground water setbacks. (a) Five year time of travel. The limits of solid waste placement of the sanitary landfill facility and any temporary or permanent leachate ponds or lagoons are not located within the surface and subsurface areas of either of the following: (i) Surrounding an existing or proposed public water supply well through which contaminants may move toward and may reach the public water supply well through underground geologic or man-made pathways within a period of five years. For the purposes of this paragraph, a proposed public water supply well is a well for which plans have been submitted to Ohio EPA for inclusion in a public water supply system on, or before, the date the permit to install application was received by Ohio EPA and for which a final denial has not been issued.</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>

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<p>(ii) A wellhead protection area or a drinking water source protection area for a public water system using ground water. For the purposes of this paragraph, a wellhead protection area includes areas near or surrounding a public water supply well or well field as delineated by the owner or operator of the public water supply well or well field and endorsed by Ohio EPA. For purposes of this paragraph, a drinking water source protection area for a public water system using ground water includes areas near or surrounding a public water supply well or well field as delineated by Ohio EPA. For the purposes of this paragraph, the prohibition against siting in a drinking water source protection area for a public water system using ground water shall not be effective until a map of the delineated area is sent by Ohio EPA and received by the owner or operator of the relevant public water supply well or well field.</p> <p>[Comment: Information on wellhead protection areas and a drinking water source protection area for a public water system using ground water may be obtained from Ohio EPA's division of drinking and ground waters.]</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>
<p>(b) Underground mine. The sanitary landfill facility is not located within an area of potential subsidence due to an underground mine or within the angle of draw of an underground mine in existence on the date of receipt of the permit to install application by Ohio EPA unless the potential impact to the facility due to subsidence is minimized.</p> <p>[Comment: Removal or filling of the mines is an acceptable method for minimizing the potential for subsidence.]</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>

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<p>(4) General setbacks.</p> <p>(a) One thousand feet from natural areas. The limits of solid waste placement of the sanitary landfill facility are not located with one thousand feet of the following, that are in existence on the date of receipt of the permit to install application by Ohio EPA:</p> <p>(i) Areas designated by the Ohio department of natural resources as either a state nature preserve, including all lands dedicated under the Ohio natural areas law, a state wildlife area, or a state wild, scenic or recreational river.</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA
<p>(ii) Areas designated, owned, and managed by the Ohio historical society as a nature preserve.</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA
<p>(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.</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA
<p>(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.</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA
<p>(v) Stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat. [Comment: Stream segments designated as state resource waters may include some wetlands. Those wetlands that do not meet this designation are addressed in paragraph (H)(4)(d) of this rule.]</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA
<p>(b) Three hundred feet from property line. The limits of solid waste placement of the sanitary landfill facility are not located with three hundred feet of the sanitary landfill facility's property line.</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA
<p>(c) One thousand feet from domicile. The limits of solid waste placement of the sanitary landfill facility are not located within one thousand feet of a domicile, whose owner has not consented in writing to the location of the sanitary landfill facility, in existence on the date of receipt of the permit to install application by Ohio EPA.</p>	Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification	NA

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<p>(d) Two hundred feet from surface waters. The limits of solid waste placement of the sanitary landfill facility are not located within two hundred feet of areas determined by Ohio EPA or the United States army corps of engineers to be a stream, lake, or wetland. [Comment: Pursuant to division (A) or (G) of section 3734.02 of the Revised Code, an applicant may request a variance or exemption from any of the siting criteria contained in this rule. However, pursuant to division (M) of section 3734.02 of the Revised Code, the director shall not issue a permit, variance or exemption that authorizes a new sanitary landfill facility, or an expansion of an existing sanitary landfill facility, within the boundaries of the areas indicated in paragraph (H)(1) of this rule.]</p>	<p>Per 3745-27-07(G)(4), siting criteria in paragraph H is not applicable for the permit modification</p>	<p>NA</p>

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(C) Final closure financial assurance instrument.</p> <p>(1) Solid waste facilities.</p> <p>(a) The final closure financial assurance instrument for a sanitary landfill facility, solid waste transfer facility, solid waste incinerator, or Class I composting facility shall contain an itemized written estimate, in current dollars, of the cost of final closure. The final closure cost estimate shall be based on the final closure costs at the point in the operating life of the facility when the extent and manner of its operation would make the final closure the most expensive, and shall be based on a third party conducting the final closure activities. Ohio EPA may review, approve, and/or require revisions to the final closure cost estimate and/or to the final closure financial assurance instrument.</p>	Rule may be applicable.	The final closure cost estimate may be updated once the current closure plan is evaluated. It can not be determined at this time whether this estimate requires updating.
<p>(b) The final closure financial assurance instrument for a scrap tire storage or recovery facility, shall contain an itemized written estimate, in current dollars, of the cost for a third party to complete final closure of the facility. Ohio EPA may review, approve, and/or require revisions to the final closure cost estimate and/or to the final closure financial assurance instrument. The cost estimate shall be based on one of the following:</p> <p>(i) The cost of final closure performed in accordance with rule 3745-27-66 of the Administrative Code.</p> <p>(ii) The fixed fee final closure cost estimate calculated in accordance with paragraphs (C)(3) and (C)(4) of this rule.</p>	Rule is not applicable.	NA
<p>(c) The final closure financial assurance instrument for a Class II composting facility shall contain a final closure cost estimate in the amount of \$2.50 per cubic yard, based on the maximum storage capacity as specified in the authorizing document, unless a higher cost estimate is required by the authorizing document, for each of the following items at the facility: compost waste/material; curing compost; cured compost; and bulking agents. Ohio EPA may review, approve, and/or require revisions to the final closure cost estimate and/or to the final closure financial assurance instrument.</p>	Rule is not applicable.	NA
<p>(d) The final closure financial assurance instrument for a mobile scrap tire recovery facility or for portable equipment operated by a licensed class I or II scrap tire recovery facility at a site other than the facility's licensed site shall contain a final closure cost estimate that is \$50,000.00.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(2) For a scrap tire transporter, the financial assurance instrument shall contain a final closure cost estimate that is \$20,000.	Rule is not applicable.	NA
(3) For the purposes of this rule, the fixed fee final closure cost estimate is the sum of each of the following: (a) For whole scrap tires including baled tires, \$1.00 multiplied by the maximum number of passenger-tire-equivalents (PTE) (20 lbs.) to be stored at the facility. (b) \$2.00 multiplied by the number of passenger-tire-equivalents (PTE) (20 lbs.) which are not stored in accordance with the requirements for maximum scrap tire storage area, scrap tire pile size and dimensions, and fire lanes contained in rule 3745- 27-65 of the Administrative Code. (c) For processed scrap tires, except for baled tires, the cost for transportation to a scrap tire monocell of monofill facility and disposal of the maximum amount of processed tires to be stored at the facility.	Rule is not applicable.	NA
(4) To calculate the dollar amounts for paragraph (C)(3) of this rule, the following may be used: (a) \$1.00 X weight of the tire/20 lbs, for tires which are larger than a PTE (20lbs.), and are stored in accordance with the requirements for maximum scrap tire storage area, scrap tire pile size and dimensions, and fire lanes contained in rule 3745- 27-65 of the Administrative Code. (b) \$2.00 X weight of tire/20 lbs, for tires which are larger than a PTE (20 lbs.), and are not stored in accordance with the requirements for maximum scrap tire storage area, scrap tire pile size and dimensions, and fire lanes contained in rule 3745- 27-65 of the Administrative Code. The proportion of tires which are or are not stored in accordance with the requirements for maximum scrap tire storage area, scrap tire pile size and dimensions, and fire lanes contained in rule 3745- 27-65 of the Administrative Code shall be based on the estimates contained in the facility compliance plan submitted pursuant to rule 3745-27-61 or 3745-27-63 of the Administrative Code, or the estimates contained in the annually adjusted final closure cost estimate submitted pursuant to paragraph (D) of rule 3745-27-15 of the Administrative Code, whichever is applicable.	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(2) The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director, and the trust agreement shall be accompanied by a formal certification of acknowledgment. Schedule A of the trust agreement shall be updated not later than sixty days after a change in the amount of the current final closure cost estimate provided for in the agreement.</p>	Rule is not applicable.	NA
<p>(3) A final closure trust fund shall be established to secure an amount at least equal to the current final closure cost estimate or the scrap tire transporter cost estimate, except as provided in paragraph (M) of this rule. Payments to the trust fund shall be made annually, except as permitted by paragraph (F)(4) of this rule, by the owner or operator over the term of the applicable authorizing document, including permit to install, or plan approval and shall be based on the authorized maximum daily waste receipt and the approved volume of the solid waste facility; this period is hereafter referred to as the pay-in period. The first payment into the final closure trust fund shall be made in accordance with paragraph (B) of this rule. Subsequent payments to the final closure trust fund shall be made as follows:</p> <p>(a) A receipt from the trustee for each payment shall be submitted by the owner or operator to the director. The first payment shall be at least equal to the current final closure cost estimate divided by the number of years in the pay-in period, except as provided in paragraph (M) of this rule. Subsequent payments shall be made not later than thirty days after each anniversary date of the first payment. The amount of each subsequent payment shall be determined by performing the following calculation:</p> <p>Next payment = $CE - CV/Y$</p> <p>Where CE is the current final closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.</p>	Rule is not applicable.	NA

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<p>(b) If the owner or operator establishes a trust fund, as specified in this rule, and the value of the trust fund is less than any revised current final closure cost estimate made during the pay-in period, the amount of the current final closure cost estimate still to be paid into the trust fund shall be paid in over the pay-in period, as defined in paragraph (F)(3) of this rule. Payments shall continue to be made not later than thirty days after each anniversary date of the first payment pursuant to paragraph (F)(3)(a) of this rule. The amount of each payment shall be determined by performing the following calculation:</p> <p>Next payment = $CE - CV/Y$</p> <p>Where CE is the current final closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.</p>	Rule is not applicable.	NA
<p>(c) The owner or operator may make the first installment required under paragraph (F)(3)(a) or (F)(3)(b) of this rule by providing alternate financial insurance using one of the mechanisms specified in paragraph (G), (I), or (J) of this rule in an amount at least equal to the first installment. On the anniversary date of the first installment, the owner or operator shall pay into the trust an amount at least equal to the first and second installments required under paragraph (F)(3)(a) or (F)(3)(b) of this rule or select an alternate financial assurance mechanism.</p>	Rule is not applicable.	NA
<p>(4) The owner or operator may accelerate payments into the trust fund, or the owner or operator may deposit the full amount of the current final closure cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in paragraph (F)(3) of this rule.</p>	Rule is not applicable.	NA
<p>(5) If the owner or operator establishes a final closure trust fund after having begun funding final closure under any mechanism(s) specified in this rule, the final closure trust fund shall be established by depositing the total value of all prior mechanisms into the newly established trust fund. The subsequent annual payments shall be made as specified in paragraph (F)(3) of this rule.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(6) After the pay-in period of a trust fund has ended and the current final closure cost estimate changes, the owner or operator shall compare the revised estimate to the trustee's most recent annual valuation of the trust fund. If the value of the trust fund is less than the amount of the revised estimate, the owner or operator shall, not later than sixty days after the change in the cost estimate, either deposit a sufficient amount into the trust fund so that its value after payment at least equals the amount of the current final closure cost estimate, or obtain alternate financial assurance as specified in this rule to compensate for the difference.</p>	Rule is not applicable.	NA
<p>(7) The director shall instruct the trustee to release to the owner or operator such funds as the director specifies in writing, after receiving one of the following requests from the owner or operator for a release of funds:</p> <p>(a) The owner or operator may submit a written request to the director for the release of the amount in excess of the current final closure cost estimate, if the value of the trust fund is greater than the total amount of the current final closure cost estimate.</p> <p>(b) The owner or operator may submit a written request to the director for release of the amount in the trust fund that exceeds the amount required as a result of such substitution, if the owner or operator substitutes any of the alternate financial assurance mechanism(s) specified in this rule for all or part of the trust fund.</p>	Rule is not applicable.	NA
<p>(8) Reimbursement for final closure at solid waste facilities. After beginning final closure, the owner or operator, or any other person authorized by the owner, operator, or director to perform final closure, may request reimbursement for final closure expenditures by submitting itemized bills to the director. After receiving itemized bills for final closure activities, the director shall determine whether the final closure expenditures are in accordance with the final closure/post-closure plan, permit or registration requirements, or applicable rules, or are otherwise justified, and if so, will instruct the trustee to make reimbursement in such amounts as the director specifies in writing. If the director determines that the cost of final closure will be greater than the value of the trust fund, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with paragraph (O) of this rule, that the owner or operator is no longer required to maintain financial assurance for final closure of the facility.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(9) If one of the following occurs, an owner or operator may request reimbursement from the scrap tire transporter trust fund:</p> <ul style="list-style-type: none"> (a) When the requirements of paragraph (O) of this rule have been met. (b) To remove and properly dispose of any scrap tires which have been open dumped by the scrap tire transporter. (c) To comply with the requirements of rule 3745-27-79 of the Administrative Code. (d) To cover the owner's or operator's liability for sudden, accidental occurrences that result in damage or injury to persons or property or to the environment. (e) For expenditures specified in this rule that may be reimbursed by submitting itemized bills to the director. After receiving itemized bills, the director shall determine whether the expenditures are authorized by this rule and in accordance with applicable requirements of Chapter 3745-27 of the Administrative Code, or are otherwise justified, and if so, will instruct the trustee to make reimbursement in such amounts as the director specifies in writing. If the director has reason to believe that the value of the trust fund will be insufficient to cover the cost of the required activities, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with paragraph (O) of this rule, that the owner or operator is no longer required to maintain scrap tire transporter financial assurance. 	Rule is not applicable.	NA
<p>(10) The director will agree to termination of a trust when one of the following occurs:</p> <ul style="list-style-type: none"> (a) The owner or operator substitutes alternate financial assurance for final closure as specified in paragraph (F)(6) of this rule. (b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required by this rule to maintain financial assurance for final closure of the facility or for a scrap tire transporter. 	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(G) Surety bond guaranteeing payment into a final closure trust fund.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by obtaining a surety bond that conforms to the requirements of this paragraph and by delivering the originally signed bond to the director by certified mail or any other form of mail accompanied by a receipt within the time period outlined in paragraphs (A) and (B) of this rule and by submitting a copy of the bond into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury. [Comment: "Circular 570" is published in the "Federal Register" annually on the first day of July; interim changes in the circular are also published in the "Federal Register."]</p>	Rule is not applicable.	NA
<p>(2) The wording of the surety bond shall be identical to the wording specified in paragraph (B) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	Rule is not applicable.	NA
<p>(3) The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund not later than when the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the director. This standby trust fund shall meet the requirements specified in paragraph (F) of this rule, except that:</p> <p>(a) An originally signed duplicate of the trust agreement shall be delivered to the director with the surety bond and placed in the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable.</p> <p>(b) Until the standby trust fund is funded, pursuant to the requirements of this rule, the following are not required:</p> <p>(i) Payments into the trust fund as specified in paragraph (F) of this rule.</p> <p>(ii) Revisions of Schedule A of the trust agreement to show current final closure cost estimate or scrap tire transporter final closure cost estimate.</p> <p>(iii) Annual valuations as required by the trust agreement.</p> <p>(iv) Notices of nonpayment as required by the trust agreement.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(4) The bond shall guarantee that the surety will become liable on the bond obligation unless the owner or operator does one of the following, as applicable:</p> <ul style="list-style-type: none"> (a) Funds the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility. (b) For a solid waste facility, funds the standby trust fund in an amount equal to the penal sum not later than fifteen days after a mandatory final closure in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules. (c) For a scrap tire transporter, funds the standby trust fund in an amount equal to the penal sum of the bond in accordance with the following, as applicable: <ul style="list-style-type: none"> (i) Before the registration certificate issued to the scrap tire transporter has expired and a renewal registration has not been applied for in the manner prescribed in Chapter 3745-27 of the Administrative Code. (ii) Within fifteen days of the denial of a renewal registration certificate applied for by the owner or operator. (iii) Within fifteen days of the suspension or revocation of the registration certificate issued to the owner or operator. (d) Provides alternate financial assurance as specified in this rule, and obtains the director's written approval of the alternate financial assurance provided, not later than ninety days after both the owner or operator and the director receive notice of cancellation of the bond from the surety. 	Rule is not applicable.	NA
<p>(5) Under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.</p>	Rule is not applicable.	NA
<p>(6) The penal sum of the bond shall be in an amount at least equal to the current final closure cost estimate or the scrap tire transporter final closure cost estimate except as provided in paragraph (M) of this rule.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(7) Whenever the current final closure cost estimate increases to an amount greater than the penal sum of the bond, the owner or operator shall, not later than sixty days after the increase in the estimate, either cause the penal sum of the bond to be increased to an amount at least equal to the current final closure cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance, as specified in this rule, to compensate for the increase. Whenever the current final closure cost estimate decreases, the penal sum may be reduced to the amount of the current final closure cost estimate following written approval by the director. Notice of an increase or a proposed decrease in the penal sum shall be sent to the director not later than sixty days after the change.</p>	Rule is not applicable.	NA
<p>(8) Under the terms of the bond, the bond shall remain in force unless the surety sends written notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation cannot occur, however, during the one hundred twenty day period beginning on the first day that both the owner or operator and the director have received the notice of cancellation, as evidenced by the return receipts.</p>	Rule is not applicable.	NA
<p>(9) The owner or operator may cancel the bond if the director has given prior written consent. The director will provide such written consent to the surety bond company when one of the following occurs:</p> <ul style="list-style-type: none"> (a) The owner or operator substitutes alternate financial assurance for final closure of a facility or for a scrap tire transporter as specified in this rule. (b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for final closure of a facility or for a scrap tire transporter. 	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(4) The bond shall guarantee that the surety will become liable on the bond obligation unless the owner or operator does one of the following, as applicable:</p> <ul style="list-style-type: none"> (a) For solid waste facilities, performs final closure in accordance with the final closure/post-closure plan, permit or registration requirements, and applicable rules. (b) For scrap tire transporters, does the following, as applicable: <ul style="list-style-type: none"> (i) Removes and properly disposes of any scrap tires in the scrap tire transporter's possession or which have been open dumped by the scrap tire transporter. (ii) Complies with the requirements of rule 3745-27-79 of the Administrative Code. (iii) Provides coverage for the owner's or operator's liability for sudden, accidental occurrences that result in damage or injury to persons or property or to the environment. (c) Provides alternate financial assurance as specified in this rule, and obtains the director's written approval of the alternate financial assurance provided, not later than ninety days after both the owner or operator and the director receive notice of cancellation of the bond from the surety. 	Rule is not applicable.	NA
<p>(5) (a) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination by the director that the owner or operator of the solid waste facility has failed to perform final closure activities in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules, the surety shall perform final closure in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules, or will deposit the amount of the penal sum into the standby trust fund.</p> <p>(b) In the case of a scrap tire transporter, following a determination by the director that the owner or operator has failed to perform the activities specified in paragraph (H)(4)(b) of this rule, the surety shall perform the activities specified in paragraph (H)(4)(b) of this rule, or will deposit the amount of the penal sum into the standby trust fund.</p>	Rule is not applicable.	NA
<p>(6) The penal sum of the bond shall be in an amount at least equal to the current final closure cost estimate or the scrap tire transporter cost estimate.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(7) Whenever the current final closure cost estimate increases to an amount greater than the penal sum of the bond, the owner or operator shall, not later than sixty days after the increase in the estimate, either cause the penal sum of the bond to be increased to an amount at least equal to the current final closure cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance, as specified in this rule, to compensate for the increase. Whenever the current final closure cost estimate decreases, the penal sum may be reduced to the amount of the current final closure cost estimate following written approval by the director. Notice of an increase or a proposed decrease in the penal sum shall be sent to the director by certified mail or any other form of mail accompanied by a receipt not later than sixty days after the change.</p>	Rule is not applicable.	NA
<p>(8) Under the terms of the bond, the bond shall remain in force unless the surety sends written notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation cannot occur, however, during the one hundred twenty day period beginning on the first day that both the owner or operator and the director have received the notice of cancellation as evidenced by the return receipts.</p>	Rule is not applicable.	NA
<p>(9) The owner or operator may cancel the bond if the director has given prior written consent. The director will provide such written consent to the surety bond company when one of the following occurs:</p> <ul style="list-style-type: none"> (a) The owner or operator substitutes alternate financial assurance for final closure of a facility or for a scrap tire transporter as specified in this rule. (b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required by this rule to maintain financial assurance for final closure of a facility or for a scrap tire transporter. 	Rule is not applicable.	NA
<p>(10) The surety shall not be liable for deficiencies in the completion of final closure of a facility or scrap tire transporter by the owner or operator after the owner or operator has been notified by the director, in accordance with this rule, that the owner or operator is no longer required to maintain financial assurance for final closure of a facility or for a scrap tire transporter.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(I) Final closure letter of credit.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by obtaining an irrevocable standby letter of credit (“letter of credit”) which conforms to the requirements of this paragraph and by having the originally signed letter of credit delivered to the director by certified mail or any other form of mail accompanied by a receipt within the time period outlined in paragraphs (A) and (B) of this rule by submitting a copy of the letter of credit into the operating record of the facility in accordance with rule 3745-27-09 of the Administrative Code, if applicable. The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.</p>	<p>Rule may be applicable with changes to the closure cost estimate.</p>	<p>If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.</p>
<p>(2) The wording of the letter of credit shall be identical to the wording specified in paragraph (D) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	<p>Rule may be applicable with changes to the closure cost estimate..</p>	<p>If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.</p>
<p>(3) An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the director shall be deposited promptly and directly by the issuing institution into the standby trust fund in accordance with instructions from the director. The standby trust fund shall meet the requirements of the trust fund specified in paragraph (F) of this rule, except that:</p> <p>(a) An originally signed duplicate of the trust agreement shall be delivered to the director with the letter of credit, and a copy of the letter placed in the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable.</p> <p>(b) Unless the standby trust fund is funded pursuant to the requirements of this rule, the following are not required:</p> <p>(i) Payments into the trust fund as specified in paragraph (F) of this rule.</p> <p>(ii) Updating of Schedule A of the trust agreement to show current final closure cost estimate or the scrap tire transporter final closure cost estimate.</p> <p>(iii) Annual valuations as required by the trust agreement.</p> <p>(iv) Notices of nonpayment as required by the trust agreement.</p>	<p>Rule may be applicable with changes to the closure cost estimate.</p>	<p>If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.</p>

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(4) The letter of credit shall be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the names and addresses of the solid waste facility and the owner and the operator and the amount of funds assured for final closure of the facility by the letter of credit or in the case of scrap tire transporters, the name and address of the owner and the operator.	Rule may be applicable with changes to the closure cost estimate.	If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.
(5) The letter of credit shall be irrevocable and issued for a period of at least one year. The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty days prior to the current expiration date, the issuing institution notifies both the owner and operator and the director by certified mail or any other form of mail accompanied by a receipt of a decision not to extend the expiration date. Under the terms of the letter of credit, the one hundred twenty day period shall begin on the day when both the owner or operator and the director have received the notice, as evidenced by the return receipts.	Rule may be applicable with changes to the closure cost estimate.	If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.
(6) The letter of credit shall be issued in an amount at least equal to the current final closure cost estimate, or the scrap tire transporter final closure cost estimate except as provided in paragraph (M) of this rule.	Rule may be applicable with changes to the closure cost estimate.	If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.
(7) Whenever the current final closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator shall, not later than sixty days after the increase, either cause the amount of the credit to be increased to an amount at least equal to the current final closure cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance, as specified in this rule, to compensate for the increase. Whenever the current final closure cost estimate decreases, the letter of credit may be reduced to the amount of the current final closure cost estimate following written approval by the director. Notice of an increase or a proposed decrease in the amount of the letter of credit shall be sent to the director by certified mail or any other form of mail accompanied by a receipt not later than sixty days after the change.	Rule may be applicable with changes to the closure cost estimate.	If changes to closure cost estimate require an update, then an up-dated letter of credit will be provided.

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(8) Under the terms of the letter of credit, the director may draw on the letter of credit following a determination that the owner or operator has failed to:</p> <ul style="list-style-type: none"> (a) For solid waste facilities, perform final closure in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules. (b) For scrap tire transporters, do the following, as applicable: <ul style="list-style-type: none"> (i) Remove and properly dispose of any scrap tires which have been open dumped by the scrap tire transporter. (ii) Comply with the requirements of rule 3745-27-79 of the Administrative Code. (iii) To cover the owner's or operator's liability for sudden, accidental occurrences that result in damage or injury to persons or property or to the environment. (c) Provide alternate financial assurance as specified in this rule and obtain written approval of such alternate financial assurance from the director not later than ninety days after the owner and operator and the director have received notice from the issuing institution that it will not extend the letter of credit beyond the current expiration date, the director shall draw on the letter of credit. The director may delay the drawing if the issuing institution grants an extension of the term of the credit. During the final thirty days of any such extension the director shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this rule and has failed to obtain written approval of such alternate financial assurance from the director. 	Rule is not applicable.	No update required.
<p>(9) The director shall return the original letter of credit to the issuing institution for termination when either of the following occur:</p> <ul style="list-style-type: none"> (a) The owner or operator substitutes alternate financial assurance for final closure of a facility or a scrap tire transporter as specified in this rule. (b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for final closure of a facility or a scrap tire transporter. 	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(J) Final closure insurance.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by obtaining final closure insurance which conforms to the requirements of this paragraph and by submitting an originally signed certificate of such insurance to the director by certified mail or any other form of mail accompanied by a receipt within the time period outlined in paragraphs (A) and (B) of this rule, and if the facility is a sanitary landfill facility, by submitting a copy of the certificate of insurance into the operating record of the facility in accordance with rule 3745-27-09 of the Administrative Code. At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.</p>	Rule is not applicable.	NA
<p>(2) The wording of the certificate of insurance shall be identical to the wording specified in paragraph (E) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	Rule is not applicable.	NA
<p>(3) The final closure insurance policy shall be issued for a face amount at least equal to the current final closure cost estimate or the scrap tire transporter cost estimate, except as provided in paragraph (M) of this rule. Face amount means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.</p>	Rule is not applicable.	NA
<p>(4) (a) The final closure insurance policy shall guarantee that funds will be available to close the facility whenever final closure is mandated. The policy shall also guarantee that once final closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.</p> <p>(b) The scrap tire transporter insurance policy shall guarantee that funds will be available to perform the authorized final closure activities whenever such activities are mandated. The policy shall also guarantee that once such activities begin, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(5) Reimbursement for final closure. The owner or operator, or any other person authorized by the owner, operator, or director to perform final closure, may request reimbursement for final closure expenditures by submitting itemized bills to the director. After receiving itemized bills for final closure activities, the director shall determine whether the final closure expenditures are in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules, or are otherwise justified, and if so, shall instruct the insurer to make reimbursement in such amounts as the director specifies in writing. If the director has reason to believe that the cost of final closure will be greater than the face amount of the policy, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for final closure of the facility or scrap tire transporter.</p>	Rule is not applicable.	NA
<p>(6) The owner or operator shall maintain the policy in full force and effect until the director consents to termination of the policy by the owner or operator as specified in paragraph (J)(8) of this rule. Failure to pay the premium, without substitution of alternate financial assurance as specified in this rule, will constitute a violation of these rules, warranting such remedy as the director deems necessary. Such violation shall be deemed to begin upon receipt by the director of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.</p>	Rule is not applicable.	NA
<p>(7) Each policy shall contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(8) The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy shall, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect unless on or before the date of expiration:</p> <ul style="list-style-type: none"> (a) For solid waste facilities, any activities required by the final closure/post-closure care plan, permit or registration requirements, and applicable rules have occurred. (b) For a scrap tire transporter, following a determination that the owner or operator has failed to perform the final closure activities specified in the registration requirements and applicable rules. (c) Final closure of the facility is ordered by the director or a court of competent jurisdiction, or characterization and remediation in accordance with rule 3745-27-79 of the Administrative Code is ordered by the director or a court of competent jurisdiction. (d) The owner or operator is named as debtor in a voluntary or involuntary proceeding under title 11 (bankruptcy), U.S. Code. (e) The premium due is paid. 	Rule is not applicable.	NA
<p>(9) Whenever the current final closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator shall, not later than sixty days after the increase, either cause the face amount to be increased to an amount at least equal to the current final closure cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance as specified in this rule to compensate for the increase. Whenever the current final closure cost estimate decreases, the face amount may be reduced to the amount of the current final closure cost estimate following written approval by the director.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(10) The director will give written consent to the owner or operator that owner or operator may terminate the insurance policy when either of the following occurs:</p> <ul style="list-style-type: none"> (a) The owner or operator substitutes alternate financial assurance for final closure of a facility or a scrap tire transporter as specified in this rule. (b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for final closure of a facility or a scrap tire transporter. 	Rule is not applicable.	NA
<p>(K) Financial test and corporate guarantee for final closure of a solid waste facility or a scrap tire transporter.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by demonstrating that the owner or operator passes a financial test as specified in this paragraph. To pass this test the owner or operator shall demonstrate that less than fifty per cent of the parent corporation's gross revenues are derived from solid waste disposal, solid waste transfer facility operations, or scrap tire transporter, or if there is no parent corporation, the owner or operator shall demonstrate that less than fifty per cent of its gross revenues are derived from solid waste facility, or solid waste transfer facility, or scrap tire transporter operations and either:</p> <ul style="list-style-type: none"> (a) The owner or operator shall have the following: <ul style="list-style-type: none"> (i) Satisfaction of at least two of the following ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization minus \$10 million to total liabilities greater than 0.1; a ratio of current assets to current liabilities greater than 1.5. (ii) Net working capital and tangible net worth each at least six times the sum of the current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any corrective measures cost estimates, and any other obligations assured by a financial test. (iii) Tangible net worth of at least ten million dollars. (iv) Assets in the United States amounting to at least ninety per cent of total assets or at least six times the sum of the current final and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any current corrective measures cost estimates, and any other assured by a financial test. 	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(b) The owner or operator shall have:</p> <ul style="list-style-type: none"> (i) Issued a corporate bond for which the owner or operator, as the issuing entity, has not received a current rating of less than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's." Owners or operators using bonds that are secured by collateral or a guarantee must meet the minimum rating without that security. (ii) Tangible net worth at least six times the sum of the current final and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any corrective measures cost estimates, and any other obligations assured by a financial test. (iii) Tangible net worth of at least ten million dollars. (iv) Assets in the United States amounting to at least ninety per cent of total assets or at least six times the sum of the current final and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any current corrective measures cost estimates, and any other obligations assured by a financial test. 	Rule is not applicable.	NA
<p>(2) Current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any current corrective measures cost estimates, and any other obligations assured by a financial test as used in paragraph (K)(1) of this rule refers to the cost estimates required to be shown in the letter from the owner's or operator's chief financial officer.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(3) To demonstrate that requirements of this test are met, the owner or operator shall submit the following items to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable:</p> <p>(a) A letter signed by the owner's or operator's chief financial officer and worded as specified in paragraph (F) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p> <p>(b) A copy of a report by an independent certified public accountant examining the owner's or the operator's financial statements for the most recently completed fiscal year.</p> <p>(c) A special report from the owner's or the operator's independent certified public accountant, in the form of an agreed-upon procedures report, to the owner or operator stating the following:</p> <p>(i) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited year-end financial statements for the most recent fiscal year with the amounts in such financial statements.</p> <p>(ii) In connection with the agreed-upon procedures report, he states that he agrees the specified data is accurate.</p>	Rule is not applicable.	NA
<p>(4) After the initial submission of the items specified in paragraph (K)(3) of this rule, the owner or operator shall send updated information to the director, and submit updated information into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, not later than ninety days after the close of each succeeding fiscal year. This information shall include all three items specified in paragraph (K)(3) of this rule.</p>	Rule is not applicable.	NA
<p>(5) If the owner or operator no longer meets the requirements of paragraph (K)(1) of this rule, notice shall be sent to the director of the intent to establish alternate financial assurance as specified in this rule. The notice must be sent by certified mail or any other form of mail accompanied by a receipt not later than ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. A copy of the notice shall also be placed in the operating record, if applicable. The owner or operator shall provide alternate financial assurance not later than one hundred twenty days after the end of such fiscal year.</p>	Rule is not applicable.	NA

**Table 5: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-15 Requirements for Proposed Permit Modification**

OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(6) The director may, based on a reasonable belief that the owner or operator no longer meets the requirements of paragraph (K)(1) of this rule, require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (K)(3) of this rule. If the director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (K)(1) of this rule, the owner or operator shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of such a finding.</p>	Rule is not applicable.	NA
<p>(7) The director may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his/her report on examination of the owner's or operator's financial statements. An adverse opinion or disclaimer of opinion will be cause for disallowance. The director shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of the disallowance.</p>	Rule is not applicable.	NA
<p>(8) The owner or operator is no longer required to submit the items specified in paragraph (K)(3) of this rule when either of the following occur:</p> <ul style="list-style-type: none"> (a) The owner or operator substitutes alternate financial assurance for final closure of a facility or a scrap tire transporter as specified in this rule. (b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for final closure of a facility or scrap tire transporter. 	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(9) The owner or operator may meet the requirements of this rule by obtaining a written guarantee, hereafter referred to as a corporate guarantee. The guarantor shall be the parent corporation of the owner or operator. The guarantor shall meet the requirements for an owner or operator in paragraphs (K)(1) to (K)(7) of this rule and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee shall be identical to the wording specified in paragraph (G) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director. The corporate guarantee shall accompany the items sent to the director as specified in paragraph (K)(3) of this rule. The terms of the corporate guarantee shall provide that:</p> <p>(a) The owner or operator shall perform final closure of a facility or scrap tire transporter provided for by the corporate guarantee in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules.</p> <p>(b) The guarantor shall perform the activities in paragraph (K)(9)(a) of this rule or shall establish a trust fund in the name of the owner or operator as specified in paragraph (F) of this rule if the owner or operator fails to perform those activities.</p> <p>(c) The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation may not occur, however, during the one hundred twenty day period beginning on the first day that both the owner or operator and the director have received notice of cancellation, as evidenced by the return receipts.</p> <p>(d) If the owner or operator fails to provide alternate financial assurance as specified in this rule, and fails to obtain the written approval of such alternate financial assurance from the director not later than ninety days after both the owner or operator and the director have received notice of cancellation of the corporate guarantee from the guarantor, the guarantor shall provide such alternate financial assurance in the name of the owner or operator.</p>	<p>Rule is not applicable.</p>	<p>NA</p>

**Table 5: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-15 Requirements for Proposed Permit Modification**

OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(L) Local government financial test for final closure.</p> <p>(1) For the purposes of this rule, local government means a subdivision of the state of Ohio including, but not limited to, a municipal corporation, a county, a township, a single or joint county solid waste management district, or a solid waste management authority.</p> <p>(2) A local government may satisfy the requirements of this rule by demonstrating that the local government passes a financial test as specified in this paragraph. This test consists of a financial component, a public notice component, and a record-keeping and reporting component. In order to satisfy the financial component of the test, a local government must meet the following criteria:</p> <p>(a) A local government's financial statements shall be prepared in accordance with "Generally Accepted Accounting Principles" for local governments.</p> <p>(b) A local government must not have operated at a deficit equal to five per cent or more of total annual revenue in either of the past two fiscal years.</p> <p>(c) A local government must not currently be in default on any outstanding general obligation bonds.</p> <p>(d) A local government must not have any outstanding general obligation bonds rated lower than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's." Local governments using bonds that are secured by collateral or a guarantee must meet the minimum rating without that security.</p>	<p>Rule is not applicable.</p>	<p>NA</p>

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(3) In addition, to satisfy the financial component of the test, a local government must meet either of the following criteria:</p> <p>(a) A local government must have the following:</p> <ul style="list-style-type: none"> (i) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05. (ii) A ratio of annual debt service to total expenditures less than or equal to 0.20. (iii) A ratio of long term debt issued and outstanding to capital expenditures less than or equal to 2.00. (iv) A ratio of the current cost estimates for final closure, post-closure care, corrective measures, scrap tire transporter final closure, and any other obligations assured by a financial test, to total revenue less than or equal to 0.43. <p>(b) The local government shall have:</p> <ul style="list-style-type: none"> (i) Outstanding general obligation bonds for which the local government, as the issuing entity, has not received a current rating of less than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's." Local governments using bonds that are secured by collateral or a guarantee must meet the minimum rating without that security. (ii) A ratio of the current cost estimates for final closure, post-closure care, corrective measures, scrap tire transporter final closure, and any other obligations assured by a financial test, to total revenue less than or equal to 0.43. 	Rule is not applicable.	NA
<p>(4) In order to satisfy the public notice component of the test, a local government must in each year that the test is used, identify the current cost estimates in either its budget or its comprehensive annual financial report. The facility covered, the categories of expenditures, including final closure, post-closure care, corrective measures, scrap tire transporter final closure, the corresponding cost estimate for each expenditure, and the anticipated year of the required activity must be recorded. If the financial assurance obligation is to be included in the budget, it should either be listed as an approved budgeted line item, if the obligation will arise during the budget period, or in an appropriate supplementary data section, if the obligation will not arise during the budget period. If the information is to be included in the comprehensive annual financial report, it is to be included in the financial section as a footnote to the annual financial statements.</p>	Rule is not applicable.	NA

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OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(5) To demonstrate that the local government meets the requirements of this test, the following three items must be submitted to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable:</p> <ul style="list-style-type: none"> (a) A letter signed by the local government's chief financial officer and worded as specified in paragraph (H) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director that: <ul style="list-style-type: none"> (i) Lists all the current cost estimates covered by a financial test. (ii) Certifies that the local government meets the conditions of paragraph (L)(1) of this rule. (iii) Provides evidence and certifies that the local government meets the conditions of either paragraph (L)(2)(a) or (L)(2)(b) of this rule. (b) A copy of the local government's independently audited year-end financial statements for the latest fiscal year, including the unqualified opinion of the auditor. The auditor must be an independent, certified public accountant or auditor of state. (c) A special report from the independent certified public accountant or auditor of state, in the form of an agreed-upon procedures report, to the local government stating that: <ul style="list-style-type: none"> (i) The certified public accountant or auditor of state has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited year-end financial statements for the most recent fiscal year with the amounts in such financial statements. (ii) In connection with the agreed-upon procedures report, he states that he agrees the specified data is accurate. 	Rule is not applicable.	NA
<p>(6) After the initial submission of the items specified in this rule, a local government shall send updated information to the director on forms prescribed by the director, and submit updated information into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, not later than one hundred eighty days after the close of each succeeding fiscal year. This information shall include all items specified in this rule.</p>	Rule is not applicable.	NA

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Evaluation of OAC 3734-27-15 Requirements for Proposed Permit Modification**

OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(7) If a local government no longer meets the requirements of this rule, notice shall be sent to the director of the intent to establish alternate financial assurance as specified in this rule. The notice must be sent by certified mail or any other form of mail accompanied by a receipt not later than one hundred fifty days after the end of the fiscal year for which the year-end financial data show that the local government no longer meets the requirements. A copy of the notice shall also be placed in the operating record, if applicable. The local government shall provide alternate financial assurance not later than one hundred eighty days after the end of such fiscal year.</p>	<p>Rule is not applicable.</p>	<p>NA</p>
<p>(8) The director may, based on a reasonable belief that the local government no longer meets the requirements of this rule, require reports of financial condition at any time from the local government in addition to those specified in this rule. If the director finds, on the basis of such reports or other information, that the local government no longer meets the requirements of this rule, the local government shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of such a finding.</p>	<p>Rule is not applicable.</p>	<p>NA</p>

**Table 5: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-15 Requirements for Proposed Permit Modification**

OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(M) Use of multiple financial assurance mechanisms. The owner or operator may satisfy the requirements of this rule by establishing more than one financial assurance mechanism for each facility or by establishing more than one financial assurance mechanism for scrap tire transporter financial assurance. These mechanisms are limited to a trust fund, surety bond guaranteeing payment into a final closure trust fund, letter of credit, insurance, and the local government financial test. The mechanisms shall be as specified in paragraphs (F), (G), (I), (J), and (L) respectively of this rule, except that it is the combination of mechanisms, rather than each single mechanism, which shall provide financial assurance for an amount at least equal to the current final closure cost estimate or scrap tire transporter final closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The director may invoke use of any or all of the mechanisms, in accordance with paragraphs (F), (G), (I), (J), and (L) of this rule, to provide for final closure of the facility or provide for the required final closure for a scrap tire transporter.</p>	<p>Rule is not applicable.</p>	<p>NA</p>
<p>(N) Use of a financial assurance mechanism for multiple facilities. The owner or operator may use a financial assurance mechanism specified in this rule to meet the requirements of this rule for more than one facility. Evidence of financial assurance submitted to the director shall include a list showing, for each facility, the name, address, and the amount of funds for final closure assured by the financial assurance mechanism. The amount of funds available through the financial assurance mechanism shall be no less than the sum of the funds that would be available if a separate financial assurance mechanism had been established and maintained for each facility.</p>	<p>Rule may be applicable with changes to the CWRDF closure cost estimate.</p>	<p>CWRDF and other Republic facilities have utilized one letter of credit for multiple facilities. An updated letter of credit will be submitted if required by changes to the final closure plan.</p>

**Table 5: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-15 Requirements for Proposed Permit Modification**

OAC 3745-27-15 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(O) Release of the owner or operator of a solid waste facility or scrap tire transporter from the requirements of this rule. The director shall notify the owner or operator in writing that he is no longer required, by this rule, to maintain financial assurance for final closure of the particular facility or scrap tire transporter, unless the director has reason to believe that final closure has not been completed in accordance with the requirements of Chapter 3745-27, 3745-29, or 3745-30 of the Administrative Code, as applicable, and/or the final closure/post-closure care plan after receiving certifications from the owner or operator and an independent professional(s) skilled in the appropriate discipline(s) that final closure has been completed in accordance with the final closure/post-closure care plan, permit or registration requirements, and applicable rules. [Comment: The notice releases the owner or operator only from the requirements for financial assurance for final closure of the facility; it does not release him from legal responsibility for meeting the post-closure care standards or corrective measures, if applicable.]</p>	<p>Rule is not applicable.</p>	<p>NA</p>

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(A) Applicability. (1) Financial assurance information shall be submitted as part of a permit to install for a new sanitary landfill facility, for a modification that increases the post-closure care cost estimate of an existing facility, or as part of a permit to install application submitted in response to division (A)(3) or (A)(4) of section 3734.05 of the Revised Code.</p>	Rule is applicable	New documents may be required.
<p>(2) For sanitary landfill facilities subject to paragraph (A) of rule 3745-27-11, 3745-29-11, or 3745-30-09 of the Administrative Code, as applicable, the owner or operator shall submit to Ohio EPA a post closure care financial assurance instrument in accordance with this rule. [Comment: The requirements of this rule do not apply to solid waste composting facilities subject to the requirements of rules 3745-27-40 to 3745-27-47 of the Administrative Code; solid waste incinerators subject to the requirements of rules 3745-27-50 to 3745-27-53 of the Administrative Code; solid waste transfer facilities subject to the requirements of rules 3745-27-21 to 3745-27-24 of the Administrative Code; or scrap tire collection, storage, recovery, mobile recovery facilities or scrap tire transporters subject to rules 3745-27-54 to 3745-27-67 of the Administrative Code, because there are no post-closure care requirements for these types of facilities or operations.]</p>	Rule is applicable	New documents may be required.
<p>(B) Implementation. (1) The owner or operator of a sanitary landfill facility shall execute and fund the post-closure care financial assurance instrument submitted as a part of a permit to install prior to receipt of solid waste at a new sanitary landfill facility, a modification that increases post-closure care cost estimates of an existing sanitary landfill facility, or prior to issuance of a permit to install for which an application was submitted in response to division (A)(3) or (A)(4) of section 3734.05 of the Revised Code.</p>	Rule is applicable	CWRDF shall execute and fund the post-closure care financial assurance instrument submitted with a modification that increases post-closure care cost estimates. New documents may be required.
<p>(2) The owner or operator of sanitary landfill facilities subject to paragraph (A) of rule 3745-27-11, 3745-29-11, or 3745-30-09 of the Administrative Code, as applicable, shall execute and fund the post-closure care financial assurance instrument within sixty days of approval of the final closure/post-closure care plan.</p>	Rule is applicable	Fund the post-closure care financial assurance instrument within sixty days of approval of the final closure/post-closure care plan. No document is required by this rule.

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(C) Post-closure care financial assurance instrument. The post-closure care financial assurance instrument shall contain an itemized written estimate, in current dollars, of the cost of post-closure care for the sanitary landfill facility in accordance with rule 3745-27-14, 3745-29-14, or 3745-30-10 of the Administrative Code, as applicable, or for a scrap tire monofill facility in accordance with rule 3745-27-74 of the Administrative Code. The estimate shall be based on a third party conducting the post-closure care activities. Ohio EPA may review, approve, and/or require revisions to the post-closure care cost estimate and/or to the post-closure care financial assurance instrument.</p>	Rule is applicable	New documents may be required by this rule.
<p>(D) Review of post-closure care financial assurance instruments. The owner or operator of a sanitary landfill facility shall submit to the director, by certified mail or any other form of mail accompanied by a receipt, the most recently adjusted post-closure care cost estimate prepared in accordance with this paragraph: (1) The owner or operator of a sanitary landfill facility shall annually review and analyze the post-closure care cost estimate and shall make any appropriate revisions to these estimates and to the financial assurance instrument whenever a change in the post-closure care activities increases the cost of post-closure care. Any revised post-closure care cost estimate must be adjusted for inflation as specified in paragraph (D)(2) of this rule.</p>	Rule is applicable	New documents may be required by this rule.
<p>(2) The owner or operator of a sanitary landfill facility shall annually adjust the post-closure care cost estimate for inflation. The adjustment shall be made as specified in this paragraph, using an inflation factor derived from the annual implicit price deflator for gross domestic product as published by the U.S. department of commerce in its February issue of "Survey of Current Business." The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.</p>	Rule is applicable	No document is required for this rule.
<p>(a) The first adjustment is made by multiplying the post-closure care cost estimate by the inflation factor. The result is the adjusted post-closure care cost estimate.</p>	Rule is not applicable	NA
<p>(b) Subsequent adjustments are made by multiplying the most recently adjusted post-closure care cost estimate by the most recent inflation factor.</p>	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(E) The owner or operator of a sanitary landfill facility shall select a post-closure care financial assurance mechanism from the list of mechanisms specified in paragraph (F), (G), (H), (I), (J), (K), or (L) of this rule, except as otherwise specified by this rule, provided the owner or operator satisfies the criteria for use of that mechanism.</p>	<p>CWRDF currently utilizes a letter of credits as defined in paragraph (I) of this rule.</p>	<p>New documents may be required by this rule.</p>
<p>(F) Post-closure care trust fund. (1) The owner or operator may satisfy the requirements of this rule by establishing a post-closure care trust fund which conforms to the requirements of this paragraph and by sending an originally signed duplicate of the trust agreement to the director within the time period outlined in paragraph (B) of this rule. The trustee shall be an entity that has the authority to act as a trustee and which trust operations are regulated and examined by a federal or state agency.</p>	<p>Rule is not applicable</p>	<p>NA</p>
<p>(2) The wording of the trust agreement shall be identical to the wording specified in paragraph (A)(1) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director and the trust agreement shall be accompanied by a formal certification of acknowledgment. Schedule A of the trust agreement shall be updated not later than sixty days after a change in the amount of the current post-closure care cost estimate provided for in the agreement.</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(3) A post-closure care trust fund shall be established to secure an amount at least equal to the current post-closure care cost estimate, except as provided in paragraph (M) of this rule. Payments to the trust fund shall be made annually, except as permitted by paragraph (F)(4) of this rule, by the owner or operator over the term of the applicable authorizing document, including permit to install, or plan approval, and shall be based on the authorized maximum daily waste receipt and the approved volume of the sanitary landfill facility; this period is hereafter referred to as the pay-in period. The first payment into the post-closure care trust fund shall be made in accordance with paragraph (B) of this rule. Subsequent payments to the post-closure care trust fund shall be made as follows:</p> <p>(a) A receipt from the trustee for each payment shall be submitted by the owner or operator to the director. The first payment shall be at least equal to the current post-closure care cost estimate divided by the number of years in the pay-in period, except as provided in paragraph (M) of this rule. Subsequent payments shall be made not later than thirty days after each anniversary date of the first payment. The amount of each subsequent payment shall be determined by performing the following calculation: $\text{Next payment} = \text{CE} - \text{CV} / \text{Y}$ Where CE is the current post-closure care cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.</p>	Rule is not applicable	NA
<p>(b) If the owner or operator establishes a trust fund, as specified in this rule, and the value of the trust fund is less than any revised current post-closure care cost estimate made during the pay-in period, the amount of the current post-closure care cost estimate still to be paid into the trust fund shall be paid in over the pay-in period, as defined in paragraph (F)(3) of this rule. Payments shall continue to be made not later than thirty days after each anniversary date of the first payment pursuant to paragraph (F)(3)(a) of this rule. The amount of each payment shall be determined by performing the following calculation: $\text{Next payment} = \text{CE} - \text{CV} / \text{Y}$ Where CE is the current post-closure care cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.</p>	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(c) The owner or operator may make the first installment required under paragraph (F)(3)(a) or (F)(3)(b) of this rule by providing alternate financial insurance using one of the mechanisms specified in paragraph (G), (I), or (J) of this rule in an amount at least equal to the first installment. On the anniversary date of the first installment, the owner or operator shall pay into the trust an amount at least equal to the first and second installments required under paragraph (F)(3)(a) or (F)(3)(b) of this rule or select an alternate financial assurance mechanism.</p>	Rule is not applicable	NA
<p>(4) The owner or operator may accelerate payments into the trust fund or the owner or operator may deposit the full amount of the current post-closure care cost estimate at the time the fund is established. However, the owner or operator shall maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in paragraph (F)(3) of this rule.</p>	Rule is not applicable	NA
<p>(5) If the owner or operator establishes a post-closure care trust fund after having begun funding post-closure care under any mechanism(s) specified in this rule, the post-closure care trust fund shall be established by depositing the total value of all prior mechanisms into the newly established trust fund. The subsequent annual payments shall be made as specified in paragraph (F)(3) of this rule.</p>	Rule is not applicable	NA
<p>(6) After the pay-in period of a trust fund has ended and the current post-closure care cost estimate changes, the owner or operator shall compare the revised estimate to the trustee's most recent annual valuation of the trust fund. If the value of the trust fund is less than the amount of the revised estimate, the owner or operator shall, not later than sixty days after the change in the cost estimate, either deposit a sufficient amount into the trust fund so that its value after payment at least equals the amount of the current post-closure care cost estimate, or obtain alternate financial assurance as specified in this rule to compensate for the difference.</p>	Rule is not applicable	NA
<p>(7) The director shall instruct the trustee to release to the owner or operator such funds as the director specifies in writing, after receiving one of the following requests from the owner or operator for a release of funds: (a) The owner or operator may submit a written request to the director for the release of the amount in excess of the current post-closure care cost estimate, if the value of the trust fund is greater than the total amount of the current post-closure care cost estimate.</p>	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(b) The owner or operator may submit a written request to the director for release of the amount in the trust fund that exceeds the amount required as a result of such substitution, if the owner or operator substitutes any of the alternate financial assurance mechanism(s) specified in this rule for all or part of the trust fund.</p>	Rule is not applicable	NA
<p>(8) Reimbursement for post-closure care at sanitary landfill facilities. After beginning post-closure care, the owner or operator, or any other person authorized by the owner, operator, or director to perform post-closure care, may request reimbursement for post-closure care expenditures by submitting itemized bills to the director. After receiving itemized bills for post-closure care activities, the director shall determine whether the post-closure care expenditures are in accordance with the final closure/post-closure care plan, permit requirements, and applicable rules, or are otherwise justified, and if so, will instruct the trustee to make reimbursement in such amounts as the director specifies in writing. If the director determines that the cost of post-closure care will be greater than the value of the trust fund, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with paragraph (O) of this rule, that the owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA
<p>(9) The director will agree to termination of a trust when one of the following occurs: (a) The owner or operator substitutes alternate financial assurance for post-closure care as specified in paragraph (F)(6) of this rule.</p>	Rule is not applicable	NA
<p>(b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule, that the owner or operator is no longer required by this rule to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(G) Surety bond guaranteeing payment into a post-closure care trust fund.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by obtaining a surety bond that conforms to the requirements of this paragraph and by delivering the originally signed bond to the director by certified mail or any other form of mail accompanied by a receipt within the time period outlined in paragraphs (A) and (B) of this rule by submitting a copy of the bond into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury.</p> <p>[Comment: "Circular 570" is published in the "Federal Register" annually on the first day of July; interim changes in the circular are also published in the "Federal Register."]</p>	Rule is not applicable	NA
<p>(2) The wording of the surety bond shall be identical to in paragraph (B) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	Rule is not applicable	NA
<p>(3) The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund not later than when the bond is obtained. Under the terms of the surety bond, all payments made there under will be deposited by the surety directly into the standby trust fund in accordance with instructions from the director. This standby trust fund shall meet the requirements specified in paragraph (F) of this rule, except that:</p> <p>(a) An originally signed duplicate of the trust agreement shall be delivered to the director with the surety bond and placed in the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable.</p>	Rule is not applicable	NA
<p>(b) Until the standby trust fund is funded, pursuant to the requirements of this rule, the following are not required:</p> <p>(i) Payments into the trust fund as specified in paragraph (F) of this rule.</p>	Rule is not applicable	NA
<p>(ii) Revisions of Schedule A of the trust agreement to show current post-closure care cost estimate.</p>	Rule is not applicable	NA
<p>(iii) Annual valuations as required by the trust agreement.</p>	Rule is not applicable	NA
<p>(iv) Notices of nonpayment as required by the trust agreement.</p>	Rule is not applicable	NA
<p>(4) The bond shall guarantee that the surety shall become liable on the bond obligation unless the owner or operator does one of the following, as applicable:</p> <p>(a) Funds the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility.</p>	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(b) Funds the standby trust fund in an amount equal to the penal sum of the bond not later than fifteen days after a mandatory final closure requirement in accordance with the final closure/post-closure care plan, permit requirements, and applicable rules.	Rule is not applicable	NA
(c) Provides alternate financial assurance as specified in this rule, and obtains the director's written approval of the alternate financial assurance provided, not later than ninety days after both the owner or operator and the director receive notice of cancellation of the bond from the surety.	Rule is not applicable	NA
(5) Under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.	Rule is not applicable	NA
(6) The penal sum of the bond shall be in an amount at least equal to the current post-closure care cost estimate except as provided in paragraph (M) of this rule.	Rule is not applicable	NA
(7) Whenever the current post-closure care cost estimate increases to an amount greater than the penal sum of the bond, the owner or operator shall, not later than sixty days after the increase in the estimate, either cause the penal sum of the bond to be increased to an amount at least equal to the current post-closure care cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance, as specified in this rule, to compensate for the increase. Whenever the current post-closure care cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure care cost estimate following written approval by the director. Notice of an increase or a proposed decrease in the penal sum shall be sent to the director not later than sixty days after the change.	Rule is not applicable	NA
(8) Under the terms of the bond, the bond shall remain in force unless the surety sends written notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation cannot occur, however, during the one hundred twenty day period beginning on the first day that both the owner or operator and the director have received the notice of cancellation, as evidenced by the return receipts.	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(9) The owner or operator may cancel the bond if the director has given prior written consent. The director will provide such written consent to the surety bond company when one of the following occurs:</p> <p>(a) The owner or operator substitutes alternate financial assurance for post-closure care as specified in this rule.</p>	Rule is not applicable	NA
<p>(b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA
<p>(H) Surety bond guaranteeing performance of post-closure care.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by obtaining a surety bond which conforms to the requirements of this paragraph and by delivering the originally signed bond to the director within the time period outlined in paragraphs (A) and (B) of this rule by submitting a copy of the surety bond into the operating record of the facility in accordance with rule 3745-27-09 of the Administrative Code, if applicable. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on federal bonds in "Circular 570" of the U.S. department of the treasury. [Comment: "Circular 570" is published in the "Federal Register" annually on the first day of July; interim changes in the circular are also published in the "Federal Register."]</p>	Rule is not applicable	NA
<p>(2) The wording of the surety bond shall be identical to the wording specified in paragraph (C) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	Rule is not applicable	NA
<p>(3) The owner or operator who uses a surety bond to satisfy the requirements of this rule shall also establish a standby trust fund. Under the terms of the surety bond, all payments made there under will be deposited by the surety directly into the standby trust fund in accordance with instructions from the director. This standby trust fund shall meet the requirements specified in paragraph (F) of this rule except that:</p> <p>(a) An originally signed duplicate of the trust agreement shall be delivered to the director with the surety bond and placed in the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable.</p>	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(b) Unless the standby trust fund is funded pursuant to the requirements of this rule, the following are not required: (i) Payments into the trust fund as specified in paragraph (F) of this rule.	Rule is not applicable	NA
(ii) Revisions of Schedule A of the trust agreement to show current post-closure care cost estimate.	Rule is not applicable	NA
(iii) Annual valuations as required by the trust agreement.	Rule is not applicable	NA
(iv) Notices of nonpayment as required by the trust agreement.	Rule is not applicable	NA
(4) The bond shall guarantee that the surety shall become liable on the bond obligation unless the owner or operator does one of the following, as applicable: (a) Performs post-closure care in accordance with the final closure/post-closure plan, and applicable rules, and other requirements of the permit or registration.	Rule is not applicable	NA
(b) Provides alternate financial assurance as specified in this rule, and obtains the director's written approval of the alternate financial assurance provided, not later than ninety days after both the owner or operator and the director receive notice of cancellation of the bond from the surety.	Rule is not applicable	NA
(5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination by the director that the owner or operator of the solid waste facility has failed to perform post-closure care activities in accordance with the final closure/post-closure plan, applicable rules, and permit requirements, the surety shall perform post-closure care in accordance with the final closure/post-plan and permit requirements, or applicable rules, or will deposit the amount of the penal sum into the standby trust fund.	Rule is not applicable	NA
(6) The penal sum of the bond shall be in an amount at least equal to the current post-closure care cost estimate.	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(7) Whenever the current post-closure care cost estimate increases to an amount greater than the penal sum of the bond, the owner or operator shall, not later than sixty days after the increase in the estimate, either cause the penal sum of the bond to be increased to an amount at least equal to the current post-closure care cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance, as specified in this rule, to compensate for the increase. Whenever the current post-closure care cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure care cost estimate following written approval by the director. Notice of an increase or a proposed decrease in the penal sum shall be sent to the director by certified mail or any other form of mail accompanied by a receipt not later than sixty days after the change.</p>	Rule is not applicable	NA
<p>(8) Under the terms of the bond, the bond shall remain in force unless the surety sends written notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation cannot occur, however, during the one hundred twenty day period beginning on the first day that both the owner or operator and the director have received the notice of cancellation as evidenced by the return receipts.</p>	Rule is not applicable	NA
<p>(9) The owner or operator may cancel the bond if the director has given prior written consent. The director will provide such written consent to the surety bond company when one of the following occurs: (a) The owner or operator substitutes alternate financial assurance for post-closure care as specified in this rule.</p>	Rule is not applicable	NA
<p>(b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required by this rule to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA
<p>(10) The surety shall not be liable for deficiencies in the completion of post-closure care activities by the owner or operator after the owner or operator has been notified by the director, in accordance with this rule, that the owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA

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Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(I) Post-closure care letter of credit.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by obtaining an irrevocable standby letter of credit ("letter of credit") which conforms to the requirements of this paragraph and by having the originally signed letter of credit delivered to the director by certified mail or any other form of mail accompanied by a receipt within the time period outlined in paragraphs (A) and (B) of this rule and by submitting a copy of the letter of credit into the operating record of the facility in accordance with rule 3745-27-09 of the Administrative Code, if applicable. The issuing institution shall be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.</p>	Rule is applicable	New documents are required for this rule.
<p>(2) The wording of the letter of credit shall be identical to the wording specified in paragraph (D) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	Rule is applicable	New documents are required for this rule.
<p>(3) An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the director shall be deposited promptly and directly by the issuing institution into the standby trust fund in accordance with instructions from the director. The standby trust fund shall meet the requirements of the trust fund specified in paragraph (F) of this rule, except that:</p> <p>(a) An originally signed duplicate of the trust agreement shall be delivered to the director with the letter of credit, and a copy of the letter placed in the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable.</p>	Rule is applicable	New documents are required for this rule.
<p>(b) Unless the standby trust fund is funded pursuant to the requirements of this rule, the following are not required:</p> <p>(i) Payments into the trust fund as specified in paragraph (F) of this rule.</p>	Rule is applicable	New documents are required for this rule.
<p>(ii) Updating of Schedule A of the trust agreement to show current post-closure care cost estimate.</p>	Rule is applicable	New documents are required for this rule.
<p>(iii) Annual valuations as required by the trust agreement.</p>	Rule is applicable	New documents are required for this rule.

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(iv) Notices of nonpayment as required by the trust agreement.	Rule is applicable	New documents are required for this rule.
(4) The letter of credit shall be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the names and addresses of the solid waste facility and the owner and the operator and the amount of funds assured for post-closure care of the facility by the letter of credit.	Rule is applicable	New documents are required for this rule.
(5) The letter of credit shall be irrevocable and issued for a period of at least one year. The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year unless, at least one hundred twenty days prior to the current expiration date, the issuing institution notifies both the owner and operator and the director by certified mail or any other form of mail accompanied by a receipt of a decision not to extend the expiration date. Under the terms of the letter of credit, the one hundred twenty day period shall begin on the day when both the owner or operator and the director have received the notice, as evidenced by the return receipts.	Rule is applicable	New documents are required for this rule.
(6) The letter of credit shall be issued in an amount at least equal to the current post-closure care cost estimate, except as provided in paragraph (M) of this rule.	Rule is applicable	New documents are required for this rule.
(7) Whenever the current post-closure care cost estimate increases to an amount greater than the amount of the credit, the owner or operator shall, not later than sixty days after the increase, either cause the amount of the credit to be increased to an amount at least equal to the current post-closure care cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance, as specified in this rule, to compensate for the increase. Whenever the current post-closure care cost estimate decreases, the letter of credit may be reduced to the amount of the current post-closure care cost estimate following written approval by the director. Notice of an increase or a proposed decrease in the amount of the letter of credit shall be sent to the director by certified mail or any other form of mail accompanied by a receipt not later than sixty days after the change.	Rule is applicable	New documents are required for this rule.
(8) Under the terms of the letter of credit, the director may draw on the letter of credit following a determination that the owner or operator has failed to: (a) Perform post-closure care activities in accordance with the final closure/post-closure care plan, permit requirements, and applicable rules.	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(b) Provide alternate financial assurance as specified in this rule and obtain written approval of such alternate financial assurance from the director not later than ninety days after the owner and operator and the director have received notice from the issuing institution that it will not extend the letter of credit beyond the current expiration date, the director shall draw on the letter of credit. The director may delay the drawing if the issuing institution grants an extension of the term of the credit. During the final thirty days of any such extension the director shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this rule and has failed to obtain written approval of such alternate financial assurance from the director.</p>	Rule is not applicable	NA
<p>(9) The director shall return the original letter of credit to the issuing institution for termination when either of the following occur: (a) The owner or operator substitutes alternate financial assurance for post-closure care as specified in this rule.</p>	Rule is not applicable	NA
<p>(b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA
<p>(J) Post-closure care insurance. (1) The owner or operator may satisfy the requirements of this rule by obtaining post-closure care insurance which conforms to the requirements of this paragraph and by submitting an originally signed certificate of such insurance to the director by certified mail or any other form of mail accompanied by a receipt within the time period outlined in paragraphs (A) and (B) of this rule, and by submitting a copy of the certificate of insurance into the operating record of the facility in accordance with rule 3745-27-09 of the Administrative Code, if applicable. At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states.</p>	Rule is not applicable	NA
<p>(2) The wording of the certificate of insurance shall be identical to the wording specified in paragraph (E) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.</p>	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(3) The post-closure care insurance policy shall be issued for a face amount at least equal to the current post-closure care cost estimate except as provided in paragraph (M) of this rule. Face amount means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.</p>	Rule is not applicable	NA
<p>(4) The post-closure care insurance policy shall guarantee that funds will be available to perform post-closure care whenever mandated. The policy shall also guarantee that once post-closure care begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the director, to such party or parties as the director specifies.</p>	Rule is not applicable	NA
<p>(5) Reimbursement for post-closure care. After beginning post-closure care, the owner or operator, or any other person authorized by the owner, operator, or director to perform post-closure care, may request reimbursement for post-closure care expenditures by submitting itemized bills to the director. After receiving itemized bills for post-closure care activities, the director shall determine whether the post-closure care expenditures are in accordance with rule 3745-27-14, 3745-29-14, or 3745-30-10 of the Administrative Code, as applicable, and the final closure/post-closure plan, applicable rules, the permit, and/or are otherwise justified, and if so, shall instruct the insurer to make reimbursement in such amounts as the director specifies in writing. If the director has reason to believe that the cost of post-closure care will be greater than the face amount of the policy, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with paragraph (O) of this rule, that the owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA
<p>(6) The owner or operator shall maintain the policy in full force and effect until the director consents to termination of the policy by the owner or operator as specified in paragraph (J)(8) of this rule. Failure to pay the premium, without substitution of alternate financial assurance as specified in this rule, will constitute a violation of these rules, warranting such remedy as the director deems necessary. Such violation shall be deemed to begin upon receipt by the director of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.</p>	Rule is not applicable	NA
<p>(7) Each policy shall contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.</p>	Rule is not applicable	NA

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OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(8) The policy shall provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy shall, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect unless on or before the date of expiration:</p> <p>(a) Post-closure care activities required in the final closure/post-closure care plan, permit requirements, and applicable rules have occurred.</p>	Rule is not applicable	NA
<p>(b) Post-closure care of the facility is ordered by the director or a court of competent jurisdiction.</p>	Rule is not applicable	NA
<p>(c) The owner or operator is named as debtor in a voluntary or involuntary proceeding under title 11 (bankruptcy), U.S. Code.</p>	Rule is not applicable	NA
<p>(d) The premium due is paid.</p>	Rule is not applicable	NA
<p>(9) Whenever the current post-closure care cost estimate increases to an amount greater than the face amount of the policy, the owner or operator shall, not later than sixty days after the increase, either cause the face amount to be increased to an amount at least equal to the current post-closure care cost estimate and submit evidence of such increase to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, or obtain alternate financial assurance as specified in this rule to compensate for the increase. Whenever the current post-closure care cost estimate decreases, the face amount may be reduced to the amount of the current post-closure care cost estimate following written approval by the director.</p>	Rule is not applicable	NA
<p>(10) The director will give written consent to the owner or operator that owner or operator may terminate the insurance policy when either of the following occurs:</p> <p>(a) The owner or operator substitutes alternate financial assurance for post-closure care as specified in this rule.</p>	Rule is not applicable	NA
<p>(b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.</p>	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(K) Financial test and corporate guarantee for post-closure care.</p> <p>(1) The owner or operator may satisfy the requirements of this rule by demonstrating that the owner or operator passes a financial test as specified in this paragraph. To pass this test the owner or operator shall demonstrate that less than fifty per cent of the parent corporation's gross revenues are derived from solid waste disposal, solid waste transfer facility operations, or scrap tire transporter operations, or if there is no parent corporation, the owner or operator shall demonstrate that less than fifty per cent of its gross revenues are derived from solid waste facility, solid waste transfer facility, or scrap tire transporter operations and either:</p> <p>(a) The owner or operator shall have the following:</p> <p>(i) Satisfaction of at least two of the following ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization minus \$10 million to total liabilities greater than 0.1; a ratio of current assets to current liabilities greater than 1.5.</p>	Rule is not applicable	NA
<p>(ii) Net working capital and tangible net worth each at least six times the sum of the current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any corrective measures cost estimates, and any other obligations assured by a financial test.</p>	Rule is not applicable	NA
<p>(iii) Tangible net worth of at least ten million dollars.</p>	Rule is not applicable	NA
<p>(iv) Assets in the United States amounting to at least ninety per cent of total assets or at least six times the sum of the current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any current corrective measures cost estimates, and any other obligations assured by a financial test.</p>	Rule is not applicable	NA
<p>(b) The owner or operator shall have:</p> <p>(i) Issued a corporate bond for which the owner or operator, as the issuing entity, has not received a current rating of less than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's." Owners or operators using bonds that are secured by collateral or a guarantee must meet the minimum rating without that security.</p>	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(ii) Tangible net worth at least six times the sum of the current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any corrective measures cost estimates, and any other obligations assured by a financial test.	Rule is not applicable	NA
(iii) Tangible net worth of at least ten million dollars.	Rule is not applicable	NA
(iv) Assets in the United States amounting to at least ninety per cent of total assets or at least six times the sum of the current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, any current corrective measures cost estimates, and any other obligations assured by a financial test.	Rule is not applicable	NA
(2) Current final closure and current post-closure care cost estimates, scrap tire transporter final closure cost estimates, current corrective measures cost estimates, and any other obligations assured by a financial test as used in paragraph (K)(1) of this rule refers to the cost estimates required to be shown in the letter from the owner's or operator's chief financial officer.	Rule is not applicable	NA
(3) To demonstrate that requirements of this test are met, the owner or operator shall submit the following items to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable: (a) A letter signed by the owner's or operator's chief financial officer and worded as specified in paragraph (F) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director.	Rule is not applicable	NA
(b) A copy of a report by an independent certified public accountant examining the owner's or the operator's financial statements for the most recently completed fiscal year.	Rule is not applicable	NA
(c) A special report from the owner's or the operator's independent certified public accountant, in the form of an agreed-upon procedures report, to the owner or operator stating that: (i) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited year-end financial statements for the most recent fiscal year with the amounts in such financial statements.	Rule is not applicable	NA
(ii) In connection with the agreed-upon procedures report, he states that he agrees the specified data is accurate.	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(4) After the initial submission of the items specified in paragraph (K)(3) of this rule, the owner or operator shall send updated information to the director, and submit updated information into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, not later than ninety days after the close of each succeeding fiscal year. This information shall include all three items specified in paragraph (K)(3) of this rule.</p>	Rule is not applicable	NA
<p>(5) If the owner or operator no longer meets the requirements of paragraph (K)(1) of this rule, notice shall be sent to the director of the intent to establish alternate financial assurance as specified in this rule. The notice must be sent by certified mail or any other form of mail accompanied by a receipt not later than ninety days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. A copy of the notice shall also be placed in the operating record, if applicable. The owner or operator shall provide alternate financial assurance not later than one hundred twenty days after the end of such fiscal year.</p>	Rule is not applicable	NA
<p>(6) The director may, based on a reasonable belief that the owner or operator no longer meets the requirements of paragraph (K)(1) of this rule, require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (K)(3) of this rule. If the director finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of paragraph (K)(1) of this rule, the owner or operator shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of such a finding.</p>	Rule is not applicable	NA
<p>(7) The director may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his/her report on examination of the owner's or operator's financial statements. An adverse opinion or disclaimer of opinion will be cause for disallowance. The director shall evaluate other qualifications on an individual basis. The owner or operator shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of the disallowance.</p>	Rule is not applicable	NA
<p>(8) The owner or operator is no longer required to submit the items specified in paragraph (K)(3) of this rule when either of the following occur: (a) The owner or operator substitutes alternate financial assurance for post-closure care as specified in this rule.</p>	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(b) The director notifies the owner or operator, in accordance with paragraph (O) of this rule that the owner or operator is no longer required to maintain financial assurance for post-closure care of the facility.	Rule is not applicable	NA
(9) The owner or operator may meet the requirements of this rule by obtaining a written guarantee, hereafter referred to as a corporate guarantee. The guarantor shall be the parent corporation of the owner or operator. The guarantor shall meet the requirements for an owner or operator in paragraphs (K)(1) to (K)(7) of this rule and shall comply with the terms of the corporate guarantee. The wording of the corporate guarantee shall be identical to the wording specified in paragraph (G) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director. The corporate guarantee shall accompany the items sent to the director as specified in paragraph (K)(3) of this rule. The terms of the corporate guarantee shall provide that: (a) The owner or operator shall perform post-closure care of a facility provided for by the corporate guarantee in accordance with the final closure/post-closure care plan, permit requirements, and applicable rules.	Rule is not applicable	NA
(b) The guarantor shall perform the activities in paragraph (K)(9)(a) of this rule or shall establish a trust fund in the name of the owner or operator as specified in paragraph (F) of this rule if the owner or operator fails to perform those activities.	Rule is not applicable	NA
(c) The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director. Cancellation may not occur, however, during the one hundred twenty day period beginning on the first day that both the owner or operator and the director have received notice of cancellation, as evidenced by the return receipts.	Rule is not applicable	NA
(d) If the owner or operator fails to provide alternate financial assurance as specified in this rule, and fails to obtain the written approval of such alternate financial assurance from the director not later than ninety days after both the owner or operator and the director have received notice of cancellation of the corporate guarantee from the guarantor, the guarantor shall provide such alternate financial assurance in the name of the owner or operator.	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(L) Local government financial test for post-closure care. (1) For the purposes of this rule, local government means a subdivision of the state of Ohio including, but not limited to, a municipal corporation, a county, a township, a single or joint county solid waste management district, or a solid waste management authority.</p>	Rule is not applicable	NA
<p>(2) A local government may satisfy the requirements of this rule by demonstrating that the local government passes a financial test as specified in this paragraph. This test consists of a financial component, a public notice component, and a record-keeping and reporting component. In order to satisfy the financial component of the test, a local government must meet the following criteria: (a) A local government's financial statements shall be prepared in accordance with "Generally Accepted Accounting Principles" for local governments.</p>	Rule is not applicable	NA
<p>(b) A local government must not have operated at a deficit equal to five per cent or more of total annual revenue in either of the past two fiscal years.</p>	Rule is not applicable	NA
<p>(c) A local government must not currently be in default on any outstanding general obligation bonds.</p>	Rule is not applicable	NA
<p>(d) A local government must not have any outstanding general obligation bonds rated lower than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's." Local governments using bonds that are secured by collateral or a guarantee must meet the minimum rating without that security.</p>	Rule is not applicable	NA
<p>(3) In addition, to satisfy the financial component of the test, a local government must meet either of the following criteria: (a) The local government must have the following: (i) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05.</p>	Rule is not applicable	NA
<p>(ii) A ratio of annual debt service to total expenditures less than or equal to 0.20.</p>	Rule is not applicable	NA
<p>(iii) A ratio of long term debt issued and outstanding to capital expenditures less than or equal to 2.00.</p>	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(iv) A ratio of the current cost estimates for final closure, post-closure care, corrective measures, scrap tire transporter final closure, and any other obligations assured by a financial test, to total revenue less than or equal to 0.43.	Rule is not applicable	NA
(b) The local government shall have: (i) Outstanding general obligation bonds for which the local government, as the issuing entity, has not received a current rating of less than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's." Local governments using bonds that are secured by collateral or a guarantee must meet the minimum rating without that security.	Rule is not applicable	NA
(ii) A ratio of the current cost estimates for final closure, post-closure care, corrective measures, scrap tire transporter final closure, and any other obligations assured by a financial test, to total revenue less than or equal to 0.43.	Rule is not applicable	NA
(4) In order to satisfy the public notice component of the test, a local government must in each year that the test is used, identify the current cost estimates in either its budget or its comprehensive annual financial report. The facility covered, the categories of expenditures, including final closure, post-closure care, corrective measures, scrap tire transporter final closure, the corresponding cost estimate for each expenditure, and the anticipated year of the required activity must be recorded. If the financial assurance obligation is to be included in the budget, it should either be listed as an approved budgeted line item, if the obligation will arise during the budget period, or in an appropriate supplementary data section, if the obligation will not arise during the budget period. If the information is to be included in the comprehensive annual financial report, it is to be included in the financial section as a footnote to the annual financial statements.	Rule is not applicable	NA
(5) To demonstrate that a local government meets the requirements of this test, the following three items must be submitted to the director, and into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable: (a) A letter signed by the local government's chief financial officer and worded as specified in paragraph (H) of rule 3745-27-17 of the Administrative Code on forms prescribed by the director that: (i) Lists all the current cost estimates covered by a financial test.	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(ii) Certifies that the local government meets the conditions of paragraph (L)(1) of this rule.	Rule is not applicable	NA
(iii) Provides evidence and certifies that the local government meets the conditions of either paragraph (L)(2)(a) or (L)(2)(b) of this rule.	Rule is not applicable	NA
(b) A copy of the local government's independently audited year-end financial statements for the latest fiscal year, including the unqualified opinion of the auditor. The auditor must be an independent, certified public accountant or auditor of state.	Rule is not applicable	NA
(c) A special report from the independent certified public accountant or auditor of state, in the form of an agreed-upon procedures report, to the local government stating that: (i) The certified public accountant or auditor of state has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited year-end financial statements for the most recent fiscal year with the amounts in such financial statements.	Rule is not applicable	NA
(ii) In connection with the agreed-upon procedures report, he states that he agrees the specified data is accurate.	Rule is not applicable	NA
(6) After the initial submission of the items specified in this rule, a local government shall send updated information to the director on forms prescribed by the director, and submit updated information into the operating record in accordance with rule 3745-27-09 of the Administrative Code, if applicable, not later than one hundred eighty days after the close of each succeeding fiscal year. This information shall include all items specified in this rule.	Rule is not applicable	NA
(7) If a local government no longer meets the requirements of this rule, notice shall be sent to the director of the intent to establish alternate financial assurance as specified in this rule. The notice must be sent by certified mail or any other form of mail accompanied by a receipt not later than one hundred fifty days after the end of the fiscal year for which the year-end financial data show that the local government no longer meets the requirements. A copy of the notice shall also be placed in the operating record, if applicable. The local government shall provide alternate financial assurance not later than one hundred eighty days after the end of such fiscal year.	Rule is not applicable	NA

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
(8) The director may, based on a reasonable belief that the local government no longer meets the requirements of this rule, require reports of financial condition at any time from the local government in addition to those specified in this rule. If the director finds, on the basis of such reports or other information, that the local government no longer meets the requirements of this rule, the local government shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of such a finding.	Rule is not applicable	NA
(9) The director may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant or auditor of state in his/her report on examination of the local government's financial statements. An adverse opinion or disclaimer of opinion will be cause for disallowance. The director shall evaluate other qualifications on an individual basis. The local government shall provide alternate financial assurance as specified in this rule not later than thirty days after notification of the disallowance.	Rule is not applicable	NA
(10) The local government is no longer required to submit the items specified in this rule when one of the following occur: (a) The local government substitutes alternate financial assurance for post-closure care as specified in this rule.	Rule is not applicable	NA
(b) The director notifies the local government, in accordance with paragraph (O) of this rule, that the local government is no longer required to maintain financial assurance for post-closure care of the facility.	Rule is not applicable	NA
(M) Use of multiple financial assurance mechanisms. The owner or operator may satisfy the requirements of this rule by establishing more than one financial assurance mechanism for each facility. These mechanisms are limited to a trust fund, surety bond guaranteeing payment into a post-closure care trust fund, letter of credit, insurance, and the local government financial test. The mechanisms shall be as specified in paragraphs (F), (G), (I), (J), and (L) respectively of this rule, except that it is the combination of mechanisms, rather than each single mechanism, which shall provide financial assurance for an amount at least equal to the current post-closure care cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or a letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be established for two or more mechanisms. The director may invoke use of any or all of the mechanisms, in accordance with paragraphs (F), (G), (I), (J), and (L) of this rule, to provide for post-closure care of the facility.	Rule is applicable	New documents may be required by this rule.

**Table 6: Countywide Recycling & Disposal Facility
Evaluation of OAC 3734-27-16 Requirements for Proposed Permit Modification**

OAC 3745-27-16 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(N) Use of a financial assurance mechanism for multiple facilities. The owner or operator may use a financial assurance mechanism specified in this rule to meet the requirements of this rule for more than one facility. Evidence of financial assurance submitted to the director shall include a list showing, for each facility, the name, address, and the amount of funds for post-closure care assured by the financial assurance mechanism. The amount of funds available through the financial assurance mechanism shall be no less than the sum of the funds that would be available if a separate financial assurance mechanism had been established and maintained for each facility.</p>	<p>Rule is applicable</p>	<p>New documents may be required by this rule.</p>
<p>(O) Release of the owner or operator of a solid waste facility from the requirements of this rule. The director shall notify the owner or operator in writing that he is no longer required, by this rule, to maintain financial assurance for post-closure care of a particular facility, unless the director has reason to believe that post-closure care has not been completed in accordance with the requirements of rule 3745-27-14, 3745-29-14, or 3745-30-10 of the Administrative Code and/or the final closure/post-closure plan after receiving certifications from the owner or operator and an independent professional(s) skilled in the appropriate discipline(s) that post-closure care has been completed in accordance with the final closure/post-closure care plan, permit requirements, and applicable rules. [Comment: The notice releases the owner or operator only from the requirements for financial assurance for post-closure care of the facility; it does not release him from legal responsibility for meeting the final closure standards or corrective measures, if applicable.]</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(A) (1) A trust agreement for a trust fund as specified in paragraph (F) of rules 3745-27-15, 3745-27-16, and/or paragraph (G) of rule 3745-27-18 of the Administrative Code, must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:</p> <p>"Trust agreement"</p> <p>Trust agreement. The "agreement," entered into as of [date] by and between [name of the owner or operator], a [state] [corporation, partnership, association, proprietorship], the "grantor," and [name of corporate trustee], ["incorporated in the state of _____" or "a national bank"], the "trustee." Whereas, the Ohio Environmental Protection Agency, ("Ohio EPA"), has established certain rules applicable to the grantor, requiring that the owner or operator of a solid waste facility or a scrap tire transporter provide assurance that funds will be available when needed for final closure, post-closure care, and/or, corrective measures at the facility, or for scrap tire transporter final closure. Whereas, the grantor has elected to establish a trust to provide all or part of such financial assurance for the facilities identified herein. Whereas, the grantor, acting through its duly authorized officers, has selected the trustee to be the trustee under this agreement, and the trustee is willing to act as trustee, Now, therefore, the grantor and the trustee agree as follows:</p>	Rule is not applicable	NA
<p>Section 1. Definitions. As used in this agreement:</p> <p>(a) The term "grantor" means the owner or operator who enters into this agreement and any successors or assigns of the grantor.</p> <p>(b) The term "trustee" means the trustee who enters into this agreement and any successor trustee.</p> <p>(c) The term "director" means the director of the Ohio EPA or his designee.</p>	Rule is not applicable	NA
<p>Section 2. Identification of facilities and cost estimates. This agreement pertains to a solid waste facility and/or a scrap tire transporter and cost estimates identified on attached schedule A [on schedule A, for each facility and scrap tire transporter list the name, address, and the current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, or portions thereof, for which financial assurance is demonstrated by this agreement].</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Section 3. Establishment of fund. The grantor and the trustee hereby establish a trust fund, the "fund," for the benefit of the Ohio EPA. The grantor and the trustee intend that no third party have access to the fund except as herein provided. The fund is established initially as consisting of the property, which is acceptable to the trustee, described in schedule B attached hereto. Such property and any other property subsequently transferred to the trustee is referred to as the fund, together with all earnings and profits thereon, less any payments or distributions made by the trustee pursuant to this agreement. The fund will be held by the trustee, in trust, as hereinafter provided. The trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the grantor, any payments necessary to discharge any liabilities of the grantor established by the Ohio EPA.</p>	Rule is not applicable	NA
<p>Section 4. Payment for final closure and post-closure care, scrap tire transporter final closure, and corrective measures. The trustee will make such payments from the fund as the director will direct, in writing, to provide for the payment of the costs of final closure, post-closure care, and/or corrective measures at the facility or scrap tire transporter final closure covered by this agreement. The trustee will reimburse the grantor or other persons as specified by the director from the fund for final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures expenditures in such amounts as the director will direct, in writing. In addition, the trustee will refund to the grantor such amounts as the director specifies in writing. Upon refund, such funds will no longer constitute part of the fund as defined herein.</p>	Rule is not applicable	NA
<p>Section 5. Payments comprising the fund. Payments made to the trustee for the fund will consist of cash or securities acceptable to the trustee.</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Section 6. Trustee management. The trustee will invest and reinvest the principal and income of the fund and keep the fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the grantor may communicate in writing to the trustee periodically, subject, however, to the provisions of this section. In investing, reinvesting, exchanging, selling, and managing the fund, the trustee will discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:</p> <p>(a) Securities or other obligations of the grantor, or any other owner or operator of the facilities or scrap tire transporter, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. section 80a-2(a), will not be acquired or held, unless they are securities or other obligations of the federal or a state government;</p> <p>(b) The trustee is authorized to invest the fund in time or demand deposits of the trustee, to the extent insured by an agency of the federal or state government;</p> <p>(c) The trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.</p>	Rule is not applicable	NA
<p>Section 7. Commingling and investment. The trustee is expressly authorized in its discretion:</p> <p>(a) To transfer periodically any or all of the assets of the fund to any common, commingled, or collective trust fund created by the trustee in which the fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein;</p> <p>(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. sections 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the trustee. The trustee may vote such shares in its discretion.</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Section 8. Express powers of trustee. Without in any way limiting the powers and discretion conferred upon the trustee by the other provisions of this agreement or by law, the trustee is expressly authorized and empowered:</p> <p>(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the trustee will be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;</p> <p>(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;</p> <p>(c) To register any securities held in the fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the trustee will at all times show that all such securities are part of the fund;</p> <p>(d) To deposit any cash in the fund in interest-bearing accounts maintained or savings certificates issued by the trustee, in its separate corporate capacity, or in any other banking institution affiliated with the trustee, to the extent insured by an agency of the federal or state government;</p> <p>(e) To compromise or otherwise adjust all claims in favor of or against the fund.</p>	Rule is not applicable	NA
<p>Section 9. Taxes and expenses. All taxes of any kind that may be assessed or levied against or in respect of the fund and all brokerage commissions incurred by the fund will be paid from the fund. All other expenses, proper charges, and disbursements, incurred by the trustee in connection with the administration of this trust, including fees for legal services rendered to the trustee, the compensation of the trustee to the extent not paid directly by the grantor, and all other proper charges and disbursements of the trustee will be paid from the fund. Expenses, proper charges, and disbursements include fees for legal services, rendered to the trustee and the compensation of the trustee to the extent the grantor fails to compensate the trustee pursuant to section 12.</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Section 10. Annual valuation. The trustee will annually, not later than thirty days prior to the anniversary date of the establishment of the fund, furnish to the grantor and to the director a statement confirming the value of the trust. Any securities in the fund will be valued at market value as of no more than sixty days prior to the anniversary date of establishment of the fund. The failure of the grantor to object in writing to the trustee not later than ninety days after the statement has been furnished to the grantor and the director will constitute a conclusively binding assent by the grantor, barring the grantor from asserting any claim or liability against the trustee with respect to matters disclosed in the statement.</p>	Rule is not applicable	NA
<p>Section 11. Advice of counsel. The trustee may periodically consult with counsel, who may be counsel to the grantor, with respect to any question arising as to the construction of this agreement or any action to be taken hereunder. The trustee will be fully protected, to the extent permitted by law, in acting upon the advice of counsel.</p>	Rule is not applicable	NA
<p>Section 12. Trustee compensation. The trustee will be entitled to reasonable compensation from the grantor for the trustee's services as agreed upon in writing periodically with the grantor.</p>	Rule is not applicable	NA
<p>Section 13. Successor trustee. The trustee may resign or the grantor may replace the trustee, but such resignation or replacement shall not be effective until the grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee will have the same powers and duties as those conferred upon the trustee hereunder. Upon the successor trustee's acceptance of the appointment, the trustee will assign, transfer, and pay over to the successor trustee the funds and properties then constituting the fund. If for any reason the grantor cannot or does not act in the event of the resignation of the trustee, the trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in writing sent to the grantor, the director, and the present trustee by certified mail not later than ten days before such change becomes effective. Any expenses incurred by the trustee as a result of any of the acts contemplated by this section will be paid as provided in section 9.</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Section 14. Instructions to the trustee. All orders, requests, and instructions by the grantor to the trustee will be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the grantor may designate by amendment to Exhibit A. The trustee will be fully protected in acting without inquiry in accordance with the grantor's orders, requests, and instructions. All orders, requests, and instructions by the director to the trustee will be in writing, signed by the director, and the trustee will act and will be fully protected in acting in accordance with such orders, requests, and instructions. The trustee will have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the grantor or the director hereunder has occurred. The trustee will have no duty to act in the absence of such orders, requests, and instructions from the grantor and/or the director except as provided for herein.</p>	Rule is not applicable	NA
<p>Section 15. Notice of nonpayment. The trustee will notify the grantor and the director by certified mail not later than ten days after the expiration of the thirty-day period following the anniversary of the establishment of the trust, if no payment is received from the grantor during the period. After the pay-in period is completed, the trustee is not required to send a notice of nonpayment.</p>	Rule is not applicable	NA
<p>Section 16. Amendment of agreement. This agreement may be amended by an instrument in writing executed by the grantor, the trustee, and the director, or by the trustee and the director if the grantor ceases to exist.</p>	Rule is not applicable	NA
<p>Section 17. Irrevocability and termination. Subject to the right of the parties to amend this agreement as provided in section 16, this trust will be irrevocable and will continue until termination at the written agreement of the grantor, the trustee, and the director, or by the trustee and the director if the grantor ceases to exist. Upon termination of the trust, all remaining trust property, less final trust administration expenses, will be delivered to the grantor, unless the trust is a standby trust fund created in accordance with paragraph (G), (H), or (I) of rule 3745-27-15, 3745-27-16, or paragraph (H), (I), or (J) of 3745-27-18 of the Administrative Code, in which case all remaining trust property, less final trust administration expenses, will be delivered to the provider of the financial assurance.</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Section 18. Immunity and indemnification. The trustee will not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this trust, or in carrying out any directions by the grantor or the director issued in accordance with this agreement. The trustee will be indemnified and saved harmless by the grantor or from the trust fund, or both, from and against any personal liability to which the trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the grantor fails to provide such defense.</p>	Rule is not applicable	NA
<p>Section 19. Choice of law. This agreement will be administered, construed, and enforced according to the laws of the state of Ohio.</p>	Rule is not applicable	NA
<p>Section 20. Interpretation. As used in this agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this agreement will not affect the interpretation or the legal efficacy of this agreement. In witness whereof the parties have caused this agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written: the parties below certify that the wording of this agreement is identical to the wording specified in paragraph (A)(1) of rule 3745-27-17 of the Administrative Code as such rule was constituted on the date first above written.</p> <p>[Signature of grantor] [Title] Attest: [Title] [Seal] [Signature of trustee] Attest: [Title] [Seal]"</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3745-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>(2) The following is an example of the certification of acknowledgment, which must accompany the trust agreement for a trust fund as specified in paragraph (F) of rules 3745-27-15, 3745-27-16, and/or in paragraph (G) of rule 3745-27-18 of the Administrative Code:</p> <p>"State of County of On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], and the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that she/he signed her/his name thereto by like order.</p> <p>[Signature of notary public]"</p> <p>[Comment: As required in paragraph (F)(2) of rules 3745-27-15, 3745-27-16, or paragraph (G)(2) of rule 3745-27-18 of the Administrative Code, the trust agreement must be accompanied by a formal certification of acknowledgment. The previous paragraph is only an example.]</p>	Rule is not applicable	NA
<p>(B) A surety bond guaranteeing payment into a trust fund, as specified in paragraph (G) of rules 3745-27-15, 3745-27-16, and/or in paragraph (H) of rule 3745-27-18 of the Administrative Code, must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:</p> <p>"Financial guarantee bond Date bond executed: Effective date: Principal: [legal name and business address of owner or operator] Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"] State of incorporation: Surety(ies): [name(s) and business address(es)]</p> <p>Name, address, and final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures amount(s) for each facility or scrap tire transporter guaranteed by this bond [indicate final closure, post-closure care, scrap tire transporter final closure, and/or</p>	Rule is not applicable	NA

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>corrective measures amounts separately]:</p> <p>Total penal sum of bond: \$ Surety's bond number:</p> <p>Know all persons by these presents, that we, the principal and surety(ies) hereto are firmly bound to the Ohio Environmental Protection Agency ("Ohio EPA"), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally; provided that, where the surety(ies) are corporations acting as co-sureties, we, the sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each surety binds itself, jointly and severally with the principal, for the payment of such sum only as is set forth opposite the name of such surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum. Whereas, said principal is required to have an Ohio EPA permit(s) or registration, in order to operate each solid waste facility identified above, or a scrap tire transporter registration; Whereas, said principal is required to provide financial assurance for final closure, or final closure and post-closure care, or post-closure care, or corrective measures of the facility or scrap tire transporter final closure as a condition of Chapter 3734. of the Revised Code; Whereas said principal shall establish a standby trust fund in accordance with rule 3745-27-15, 3745-27-16, or 3745-27-18 of the Administrative Code, Now, therefore, for a solid waste facility, the conditions of the obligation are such that if the principal shall faithfully, before the beginning of final closure, post-closure care and/or corrective measures, of each facility identified above, fund the standby trust fund in the amount identified above for the facility, Now, therefore, for a scrap tire transporter, the conditions of the obligation are such that if the principal shall faithfully, before the registration certificate expires, fund the standby trust fund in the amount identified above for the scrap tire transporter, Or, if the principal shall fund the standby trust fund in such an amount not later than fifteen days after an order to begin final closure is issued by the director, or an Ohio court, or a U.S. district court, or other court of competent jurisdiction, or not later than fifteen days after a notice of revocation of the solid waste facility license or the denial, suspension, or revocation of the registration certificate, Or, if the principal shall provide alternate financial assurance in accordance with rule 3745-27-15, 3745-27-16, or 3745-27-18 of the Administrative Code, as applicable, and obtain the director's written approval of such alternate financial assurance, not later than ninety days after</p>	<p>(3745-27-17(B) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>the first day that notice of cancellation has been received by both the principal and the director from the surety(ies), then this obligation will be null and void; otherwise it is to remain in full force and effect. The surety(ies) shall become liable on this bond obligation only when the principal has failed to fulfill the conditions described above. Upon notification by the director that the principal has failed to perform as guaranteed by this bond, the surety(ies) shall place funds in the amount guaranteed for the facility and/or scrap tire transporter into the standby trust fund as directed by the director. The liability of the surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the surety(ies) hereunder exceed the amount of said penal sum. The surety(ies) may cancel the bond by sending notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the principal and to the director, provided, however, that cancellation shall not occur during the one hundred twenty day period beginning on the first day of receipt of the notice of cancellation by both the principal and the director as evidenced by the return receipt(s). The principal may terminate this bond by sending written notice to the surety(ies), provided, however, that no such notice shall become effective until the surety(ies) receive(s) written authorization for termination of the bond by the director.</p> <p>[The following paragraph is an optional rider that may be included but is not required.]</p> <p>Principal and surety(ies) hereby agree to adjust the penal sum of the bond annually so that it guarantees a new final closure, post-closure care, scrap tire transporter final closure, or corrective measures amount, provided that the penal sum does not increase by more than twenty per cent in any one year, and no decrease in the penal sum takes place without the written permission of the director. In witness whereof, the principal and surety(ies) have executed this financial guarantee bond and have affixed their seals on the date set forth above. The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the principal and surety(ies) and that the wording of this surety bond is identical to the wording specified in paragraph (B) of rule 3745- 27-17 of the Administrative Code as such rule was constituted on the date this bond was executed.</p> <p>Principal</p>	<p>(3745-27-17(B) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Signature(s): Name(s) and title(s) [typed]: Corporate seal: Corporate surety(ies) Name and address: State of incorporation: Liability limit: \$ Signature(s): Name(s) and title(s) [typed]: Corporate seal: [For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for surety above.] Bond premium: \$ _____"</p>	<p>(3745-27-17(B) Continued from previous page) Rule is not applicable</p>	<p>NA</p>
<p>(C) A surety bond guaranteeing performance of final closure, post-closure care, scrap tire transporter final closure, or corrective measures, as specified in paragraph (H) of rules 3745-27-15, 3745-27-16, and/or paragraph (I) of rule 3745-27-18 of the Administrative Code, must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced by the relevant information and the brackets deleted:</p> <p>"Performance bond Date bond executed: Effective date: Principal: [legal name and business address of owner or operator] Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"] State of incorporation: Surety(ies): [name(s) and business address(es)]</p> <p>Name, address, and final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures amount for each facility or scrap tire transporter guaranteed by this bond [indicate final closure, post-closure care, scrap tire transporter final closure, and corrective measures amounts separately]:</p> <p>\$ Total penal sum of bond: \$ Surety's bond number:</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Know all persons by these presents, that we, the principal and surety(ies) hereto are firmly bound to the Ohio Environmental Protection Agency ("Ohio EPA"), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the surety(ies) are corporations acting as co-sureties, we, the sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each surety binds itself, jointly and severally with the principal, for the payment of such sum only as is set forth opposite the name of such surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum. Whereas, said principal is required to have an Ohio EPA permit(s) or registration in order to operate each solid waste facility or scrap tire transporter identified above, and Whereas said principal is required to provide financial assurance for final closure, or final closure and post-closure care, or post-closure care, or corrective measures as a condition of the permit(s) or registration(s), and Whereas said principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance; Now, therefore, for a solid waste facility, the conditions of this obligation are such that if the principal shall faithfully perform final closure whenever required to do so, of each facility for which this bond guarantees final closure, in accordance with the final closure/post-closure care plan, and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended. And, for a solid waste facility, if the principal shall faithfully perform post-closure care of each facility for which this bond guarantees post-closure care, in accordance with the final closure/post-closure care plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended. And, for a solid waste facility, if the principal shall faithfully perform corrective measures at each facility for which this bond guarantees corrective measures in accordance with the corrective measures plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended.</p> <p>Now, for a scrap tire transporter, if the principal shall faithfully perform the activities specified in paragraph (H)(4)(b) of rule 3745-27-15 of the Administrative Code for which this bond guarantees, pursuant to all</p>	<p>(3745-27-17(C) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended. Or, if the principal shall provide alternate financial assurance as specified in rules 3745-27-15, 3745-27-16, and/or 3745-27-18 of the Administrative Code and obtain the director's written approval of such alternate financial assurance not later than ninety days after the date notice of cancellation is received by both the principal and the director from surety(ies), then this obligation will be null and void, otherwise it is to remain in full force and effect. The surety(ies) shall become liable on this bond obligation only when the principal has failed to fulfill the conditions described above.</p> <p>[The following paragraph is only required for those solid waste facilities required to conduct final closure activities and should not be included in surety bonds for scrap tire transporters.]</p> <p>Upon notification by the director that the principal has been found in violation of the final closure requirements of [Insert "rule 3745-27-11 of the Administrative Code," if the facility is a municipal solid waste landfill facility or scrap tire monocell facility, "rule 3745-29-11 of the Administrative Code," if the facility is an industrial solid waste landfill facility, "rule 3745-30-09 of the Administrative Code," if the facility is a residual solid waste landfill facility, "rule 3745-27-23 of the Administrative Code," if the facility is a solid waste transfer facility, "rule 3745-27-47 of the Administrative Code," if the facility is a composting facility, "rule 3745-27-53 of the Administrative Code," if the facility is a solid waste incinerator, "rule 3745-27-66 of the Administrative Code," if the facility is a scrap tire storage or recovery facility, or "rule 3745-27-73 of the Administrative Code," if the facility is a scrap tire monofill], for a facility for which this bond guarantees performance of final closure, the surety(ies) shall either perform final closure in accordance with the final closure/post-closure care plan and other permit or registration requirements or place the final closure amount guaranteed for the facility into the standby trust fund as directed by the director.</p> <p>[The following paragraph is only required for sanitary landfill facilities, because only they are required to conduct post-closure care activities.]</p> <p>Upon notification by the director that the principal has been found in violation of the post-closure care requirements of rule 3745-27-14, 3745-29-14, 3745-30-10, or 3745-27-74 of the Administrative Code, whichever is applicable, for a facility for which this bond guarantees performance of post-</p>	<p>(3745-27-17(C) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>closure care, the surety(ies) shall either perform post-closure care in accordance with the final closure/post-closure care plan and other permit requirements or place the post-closure care amount guaranteed for the facility into the standby trust fund as directed by the director.</p> <p>[The following paragraph is only required for municipal solid waste landfill facilities, because only they are required to conduct corrective measures activities.]</p> <p>Upon notification by the director that the principal has been found in violation of the corrective measures requirements of rule 3745-27-10 of the Administrative Code, for a facility for which this bond guarantees performance of corrective measures, the surety(ies) shall either perform the corrective measures in accordance with the corrective measures plan and other permit requirements or place the corrective measures amount guaranteed for the facility into the standby trust fund as directed by the director.</p> <p>[The following paragraph is only required for scrap tire transporters.]</p> <p>Upon notification by the director that the principal has failed to remove accumulations of scrap tires, delivered by the scrap tire transporter to a location not authorized to receive scrap tires by paragraph (C)(1) of rule 3745-27-56 of the Administrative Code, or failed to remove and properly dispose of any scrap tires which have been open dumped by the scrap tire transporter, or has been found to be in violation of rule 3745-27-79 of the Administrative Code, the surety(ies) shall either perform the required activities in accordance with applicable rules or place the amount guaranteed for the scrap tire transporter into the standby trust fund as directed by the director. Upon notification by the director that the principal has failed to provide alternate financial assurance as specified in rule 3745-27-15, 3745-27-16, or 3745-27-18 of the Administrative Code and obtain written approval of such alternate financial assurance from the director not later than ninety days after receipt by both the principal and the director of a notice of cancellation of the bond, the surety(ies) shall place funds in the amount guaranteed for the facility or scrap tire transporter into the standby trust fund as directed by the director. The surety(ies) hereby waive(s) notification of amendments to the final closure/post closure care plans, permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond. The liability of the surety(ies) shall not be discharged by any payment or succession of</p>	<p>(3745-27-17(C) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the surety(ies) hereunder exceed the amount of said penal sum. The surety(ies) may cancel the bond by sending notice of cancellation by certified mail or any other form of mail accompanied by a receipt to the owner or operator and to the director, provided, however, that cancellation cannot occur during the one hundred twenty day period beginning on the first day of receipt of the notice of cancellation by both the principal and the director as evidenced by the return receipts. The principal may terminate this bond by sending written notice to the surety(ies), provided, however, that no such notice shall become effective until the surety(ies) receive(s) written approval for termination of the bond by the director.</p> <p>[The following paragraph is an optional rider that may be included but is not required.]</p> <p>Principal and surety(ies) hereby agree to adjust the penal sum of the bond annually so that it guarantees a new final closure, post-closure care, scrap tire transporter final closure, or corrective measures amount, provided that the penal sum does not increase by more than twenty per cent in any one year, and no decrease in the penal sum occurs without the written approval of the director. In witness whereof, the principal and surety(ies) have executed this performance bond and have affixed their seals on the date set forth above. The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the principal and surety(ies) and that the wording of this surety bond is identical to the wording specified in paragraph (C) of rule 3745- 27-17 of the Administrative Code, as such rule was constituted on the date this bond was executed.</p> <p>Principal Signature(s): _____ Name(s) and title(s) [typed]: _____ Corporate seal: _____ Corporate surety(ies) Name and address: _____ State of incorporation: _____ Liability limit: \$ _____ Signature(s): _____ Name(s) and title(s) [typed]: _____ Corporate seal: _____</p>	<p>(3745-27-17(C) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for surety above.] Bond premium: \$ "</p>	<p>(3745-27-17(C) Continued from previous page) Rule is not applicable</p>	<p>NA</p>
<p>(D) A letter of credit as specified in paragraph (I) of rules 3745-27-15, 3745-27-16, and/or paragraph (J) of rule 3745-27-18 of the Administrative Code must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted [note: A letter of credit may also contain provisions used by the issuing institution in its regular course of business, provided that such provisions do not alter the terms and conditions in this paragraph]:</p> <p>"Irrevocable standby letter of credit [Director] Ohio Environmental Protection Agency</p> <p>Dear sir or madam: We hereby establish our irrevocable standby letter of credit no. in your favor, at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of [in words] U.S. dollars (\$), available upon presentation of</p> <p>(1) Your sight draft, bearing reference to this letter of credit no. , and (2) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under the authority of Chapter 3734. of the Revised Code as amended."</p> <p>This letter of credit is effective as of [date] and will expire on [date of at least one year later], but such expiration date will be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least one hundred twenty days prior to the current expiration date, we notify both you and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event that you are so notified, any unused portion of the credit will be available upon presentation of your sight draft for one hundred twenty days after the first day of receipt by both you and [owner's or operator's name] as evidenced by the return receipts. Whenever this letter of credit is drawn under and in compliance with the terms of this credit, we will duly honor such draft upon presentation to us, and we will deposit the amount of the draft directly into the standby trust fund by [owner's or</p>	<p>Rule is applicable</p>	<p>New documents are required for this rule.</p>

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OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>operator's name] in accordance with your instructions. We certify that the wording of this letter of credit is identical to the wording specified in paragraph (D) of rule 3745-27-17 of the Administrative Code as such rule was constituted on the date shown immediately below.</p> <p>[Signature(s) and title(s) of official(s) of issuing institution] [date]</p> <p>This credit is subject to [insert "the most recent edition of the "Uniform Customs and Practice for Documentary Credits," published by the International Chamber of Commerce" or "The Uniform Commercial Code"]."</p> <p>[Comment: In the event that the owner or operator ceases to exist, any unused portion of the credit will be available for the one hundred twenty day period after the date of receipt by the director, as evidenced by the return receipt.]</p>	<p>(3745-27-17(D) Continued from previous page) Rule is applicable</p>	<p>New documents are required for this rule.</p>
<p>(E) A certificate of insurance, as specified in rules 3745-27-15, 3745-27-16, and/or 3745-27-18 of the Administrative Code, must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:</p> <p>"Certificate of insurance for final closure, post-closure care, corrective measures, or scrap tire transporter final closure Name and address of insurer (Herein called the "insurer"):</p> <p>Name and address of insured (Herein called the "insured"):</p> <p>Solid waste facilities or scrap tire transporters covered: [list for each facility or scrap tire transporter: name, address, county in which the solid waste facility or scrap tire transporter is located, and the amount of insurance for final closure, post-closure care, scrap tire transporter final closure and/or corrective measures (these amounts for all solid waste facilities or scrap tire transporters covered must total the face amount shown below).]</p> <p>Face amount: \$ _____ Policy number: _____ Effective date: _____</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
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OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>The insurer hereby certifies that it has issued to the insured the policy of insurance identified above to provide financial assurance for [insert "final closure," "final closure and post-closure care," "post-closure care," "corrective measures," or "scrap tire transporter final closure"] for the facilities or scrap tire transporters identified above. The insurer further warrants that such policy conforms in all respects with the requirements of paragraph (J) of rules 3745-27-15, 3745-27-16, and/or paragraph (K) of rule 3745-27-18 of the Administrative Code, as applicable as such rules were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency. Whenever requested by the director of the Ohio Environmental Protection Agency, the insurer agrees to furnish to the director a duplicate original of the policy listed above, including all endorsements thereon. I hereby certify that the wording of this certificate is identical to the wording specified in paragraph (E) of rule 3745-27-17 of the Administrative Code as such rule was constituted on the date shown immediately below.</p> <p>[Authorized signature for insurer] [Name of person signing] [Title of person signing] Signature of witness or notary: [Date]"</p>	<p>(3745-27-17(E) Continued from previous page) Rule is not applicable</p>	<p>NA</p>
<p>(F) A letter from the chief financial officer, as specified in paragraph (K) of rules 3745-27-15, 3745-27-16, and/or paragraph (L) of rule 3745-27-18 of the Administrative Code must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:</p> <p>"Letter from chief financial officer [Address to director, Ohio Environmental Protection Agency.]</p> <p>I am the chief financial officer of [name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Chapter 3745-27 of the Administrative Code.</p> <p>[Fill out the following three paragraphs regarding solid waste facilities or scrap tire transporters and associated cost estimates. If your firm has no solid waste facilities or scrap tire transporters that belong in a particular paragraph, write "none" in the space indicated. For each solid waste facility</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>or scrap tire transporter, include its name, address, county, and current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates and any other environmental obligations, if any. Identify each cost estimate as to whether it is for final closure, post closure care, scrap tire transporter final closure, or corrective measures.]</p> <p>(1) This firm is the owner or operator of the following solid waste facilities and/or scrap tire transporters for which financial assurance for final closure, post closure care, corrective measures, and/or scrap tire transporter final closure is demonstrated through the financial test specified in Chapter 3745-27 of the Administrative Code and/or this firm is the owner or operator of the following facilities for which financial assurance for any other environmental obligations are assured by a financial test. The current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and any other environmental obligations, provided for by a financial test are shown for each solid waste facility and/or scrap tire transporter: \$ _____.</p> <p>(2) This firm guarantees, through the corporate guarantee specified in Chapter 3745-27 of the Administrative Code, the final closure, post-closure care, or corrective measures of the following facilities permitted by subsidiaries of this firm or final closure for scrap tire transporters and/or this firm guarantees, through the corporate guarantee, any other environmental obligations of the following facilities permitted by subsidiaries of this firm. The current cost estimates for the final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures, and any other environmental obligations, so guaranteed are shown for each solid waste facility and/or scrap tire transporter final closure: \$ _____.</p> <p>(3) This firm is the owner or operator of the following facilities and/or scrap tire transporters for which financial assurance requirements for final closure, scrap tire transporter final closure, post-closure care, or corrective measures and/or any other environmental obligations are satisfied through a financial test other than that required by chapter 3745-27 of the Administrative Code. The current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and/or any other environmental obligations covered by such financial assurance are shown for each facility and/or scrap tire transporter:</p>	<p>(3745-27-17(F) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>\$ _____.</p> <p>This firm [insert "is required" or "is not required"] to file a form 10k with the Securities and Exchange Commission (SEC) for the most recent fiscal year. The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the most recently completed fiscal year, ended [date]. [Fill in Alternative I if the criteria of paragraph (K)(1)(b) of rules 3745-27-15, 3745- 27-16, and/or paragraph (L)(1)(b) of rule 3745-27-18 of the Administrative Code are used. Fill in Alternative II if the criteria of paragraph (K)(1)(c) of rules 3745-27-15, 3745-27-16, and/or of paragraph (L)(1)(c) of rule 3745-27-18 of the Administrative Code are used.]</p> <p>Alternative I</p> <p>1. Sum of current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and any other environmental obligations assured by a financial test (total of all cost estimates shown in the three paragraphs above):</p> <p>\$ _____.</p> <p>*2. Total liabilities [if any portion of the final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimate is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4]:</p> <p>\$ _____.</p> <p>*3. Tangible net worth: \$ _____.</p> <p>*4. Net worth: \$ _____.</p> <p>*5. Current assets: \$ _____.</p> <p>*6. Current liabilities: \$ _____.</p> <p>*7. Net working capital [line 5 minus line 6]: \$ _____.</p> <p>*8. The sum of net income plus depreciation, depletion, and amortization minus \$10 million:</p> <p>\$ _____.</p> <p>*9. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.):</p> <p>\$ _____.</p> <p>Yes No</p> <p>10. Is line 3 at least \$10 million?</p>	<p>(3745-27-17(F) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>11. Is line 3 at least 6 times line 1?</p> <p>12. Is line 7 at least 6 times line 1?</p> <p>*13. Are at least 90% of firm's assets located in the U.S.? If not, complete line 14.</p> <p>14. Is line 9 at least 6 times line 1?</p> <p>15. Is line 2 divided by line 4 less than 2.0?</p> <p>16. Is line 8 divided by line 2 greater than 0.1?</p> <p>17. Is line 5 divided by line 6 greater than 1.5?</p> <p>Alternative II</p> <p>1. Sum of current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and any other environmental obligations assured by a financial test (total of all cost estimates shown in the three paragraphs above): \$ _____.</p> <p>2. Current bond rating of most recent issuance of this firm and name of rating service: _____</p> <p>3. Date of issuance of bond: _____.</p> <p>4. Date of maturity of bond: _____.</p> <p>*5. Tangible net worth [if any portion of the final closure, post-closure care, scrap tire transporter final closure, and corrective measures cost estimates is included in total liabilities on your firm's financial statements, you may add the amount of that portion to this line]: \$ _____.</p> <p>*6. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.): \$ _____.</p> <p>Yes No</p> <p>7. Is line 5 at least \$10 million?</p> <p>8. Is line 5 at least 6 times line 1?</p> <p>*9. Are at least 90% of firm's assets located in the U.S.? If not, complete line 10.</p> <p>10. Is line 6 at least 6 times line 1?</p> <p>I hereby certify that the wording of this letter is identical to the wording specified in paragraph (F) of rule 3745-27-17 of the Administrative Code as such rule was constituted on the date shown immediately below. [Signature] [Name] [Title] [Date]"</p>	<p>(3745-27-17(F) Continued from previous page) Rule is not applicable</p>	<p>NA</p>
<p>(G) A corporate guarantee, as specified in paragraph (K) of rules 3745-27-</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>15, 3745-27-16, and/or paragraph (L) of rule 3745-27-18 of the Administrative Code, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted: "Corporate guarantee for final closure, post-closure care, corrective measures, and/or scrap tire transporter final closure. Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], herein referred to as guarantor, to the Ohio Environmental Protection Agency ("Ohio EPA"), obligee on behalf of our subsidiary [owner or operator] of [business address].</p> <p>Recitals</p> <ol style="list-style-type: none"> 1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in paragraph (K) of rules 3745-27-15, 3745-27-16, and/or paragraph (L) of rule 3745-27-18 of the Administrative Code. 2. [Owner or operator] responsible for the following solid waste facility(ies) or scrap tire transporter(s) covered by this guarantee: [List for each facility or scrap tire transporter: name and address. Indicate for each whether guarantee is for final closure, post-closure care, both, corrective measures, and/or for scrap tire transporter final closure]. 3. Final closure/post-closure care plans, and/or corrective measures plans as used below refer to the plans maintained as required by Chapter 3745-27 of the Administrative Code for the final closure, post-closure care, and corrective measures of a facility, as identified above. 4. For value received from [owner or operator], guarantor guarantees to the Ohio EPA that in the event that [owner or operator] fails to perform [insert "final closure," "post-closure care," "final closure and post-closure care," or "corrective measures"] of the above facility in accordance with the final closure/post-closure care plans or corrective measures plans and other permit requirements, as applicable, or, for a scrap tire transporter, in the event the owner or operator fails to remove and properly dispose of any accumulation of scrap tires delivered to a location not authorized to receive scrap tires by paragraph (C)(1) of rule 3745-27-56 of the Administrative Code, or fails to remove and properly dispose of any scrap tires which have been open dumped by the scrap tire transporter, or has been found to be in violation of rule 3745-27-79 of the Administrative Code, the guarantor shall remove and properly dispose of the scrap tires or establish a trust fund as specified in Chapter 3745-27 of the 	<p>(3745-27-17(G) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>Administrative Code, as applicable, in the name of [owner or operator] in the amount of the current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates as specified in Chapter 3745-27 of the Administrative Code.</p> <p>5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send notice to the director, Ohio EPA, and to [owner or operator], not later than ninety days after the end of such fiscal year, by certified mail or any other form of mail accompanied by a receipt, that he intends to provide alternate financial assurance as specified in Chapter 3745-27 of the Administrative Code, in the name of [owner or operator]. Not later than one hundred twenty days after the end of such fiscal year, the guarantor shall establish such alternate financial assurance unless [owner or operator] has done so.</p> <p>6. The guarantor agrees to notify the director by certified mail or any other form of mail accompanied by a receipt, of a voluntary or involuntary proceeding under "Title 11 (bankruptcy)," U.S. Code, naming guarantor as debtor, not later than ten days after commencement of the proceeding.</p> <p>7. Guarantor agrees that not later than thirty days after being notified by the director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of final closure, post-closure care, corrective measures, and/or scrap tire transporter final closure, he shall establish alternate financial assurance as specified in Chapter 3745-27 of the Administrative Code, in the name of [owner or operator] unless [owner or operator] has done so.</p> <p>8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the final closure/post-closure care plan and/or corrective measures plan, amendment or modification of the permit or registration certification, extension or reduction of the time of performance of final closure, post-closure care, and/or corrective measures, or any other modification or alteration of an obligation of the owner or operator pursuant to Chapter 3745-27 of the Administrative Code.</p> <p>9. Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] shall comply with the applicable financial assurance requirements of Chapter 3745-27 of the Administrative Code for the</p>	<p>(3745-27-17(G) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>above listed facilities and/or scrap tire transporter, except that guarantor may cancel this guarantee by sending notice by certified mail or any other form of mail accompanied by a receipt to the director and [owner or operator], such cancellation to become effective not earlier than one hundred twenty days after receipt of such notice by both Ohio EPA and [owner or operator], as evidenced by the return receipts.</p> <p>10. Guarantor agrees that if [owner or operator] fails to provide alternate financial assurance as specified in Chapter 3745-27 of the Administrative Code, and obtain written approval of such alternate financial assurance from the director not later than ninety days after a notice of cancellation by the guarantor is received by the director from guarantor, guarantor shall provide such alternate financial assurance in the name of [owner or operator].</p> <p>11. Guarantor expressly waives notice of acceptance of this guarantee by the Ohio EPA or by [owner or operator]. Guarantor also expressly waives notice of amendments or modifications of the solid waste facility permit(s) or registration(s) or the scrap tire transporter registration.</p> <p>I hereby certify that the wording of this guarantee is identical to the wording specified in paragraph (G) of rule 3745-27-17 of the Administrative Code as such rule was constituted on the date first above written.</p> <p>Effective date: [Name of guarantor] [Authorized signature for guarantor] [Name of person signing] [Title of person signing] Signature of witness or notary: _____ "</p>	<p>(3745-27-17(G) Continued from previous page) Rule is not applicable</p>	<p>NA</p>
<p>(H) A letter from the chief financial officer of a local government, as specified in paragraph (L) of rules 3745-27-15, 3745-27-16, and/or in paragraph (M) of rule 3745-27-18 of the Administrative Code must be worded as follows on forms prescribed by the director, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:</p> <p>[Comment: For the purposes of this rule, local government is defined as a subdivision of the state of Ohio including, but not limited to, a</p>	<p>Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
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OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>municipal corporation, a county, a township, a single or joint county solid waste management district, or a solid waste management authority.]</p> <p>"Letter from chief financial officer of a local government [Address to director, Ohio Environmental Protection Agency.]</p> <p>I am the chief financial officer of [name and address of local government]. This letter is in support of this local government's use of the financial test to demonstrate financial assurance, as specified in chapter 3745-27 of the Administrative Code.</p> <p>[Fill out the following paragraphs regarding facilities and scrap tire transporters and the associated cost estimates. If there are no facilities or scrap tire transporters that belong in a particular paragraph, write "none" in the space indicated. For each solid waste facility or scrap tire transporter, include its name, address, county, and current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and any other environmental obligations. Identify each cost estimate as to whether it is for final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures, and all other environmental obligations.]</p> <p>(1) This local government is the owner or operator of the following facilities or scrap tire transporters for which financial assurance for final closure, post closure care, scrap tire transporter final closure, or corrective measures is demonstrated through the financial test specified in chapter 3745-27 of the Administrative Code and/or this local government is the owner or operator of the following facilities for which financial assurance for any other environmental obligations are assured by a financial test. The current final closure, post closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and any other environmental obligations provided for by a test are shown: \$ _____.</p> <p>(2) This local government is the owner or operator of the following facilities or scrap tire transporter for which financial assurance requirements for final closure, post-closure care, scrap tire transporter final closure, corrective measures, and/or any other environmental obligations are satisfied through a financial test other than that required by chapter 3745-27 of the Administrative Code.</p>	<p>(3745-27-17(H) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>The current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and/or any other environmental obligations covered by such financial assurance are shown for each facility or scrap tire transporter: \$ _____.</p> <p>The fiscal year of this local government ends on [month, day]. The figures for the following items marked with an asterisk are derived from this local government's independently audited, year-end financial statements for the most recently completed fiscal year, ended [date]. [Comment: The figures for the following items must be contained in the audited financial statements from the most recently completed fiscal year.]</p> <p>[Fill in Alternative I if the criteria of paragraph (L)(1)(b) of rule 3745-27-15, 3745-27-16, and/or paragraph (M)(1)(b) of rule 3745-27-18 of the Administrative Code are used. Fill in Alternative II if the criteria of paragraph (L)(1)(c) of rule 3745-27-15, 3745-27-16, and/or of paragraph (M)(1)(c) of rule 3745-27-18 of the Administrative Code are used.]</p> <p>Alternative I</p> <p>1. Sum of current final closure, post-closure care, scrap tire transporter final closure, and/or corrective measures cost estimates, and any other environmental obligations assured by a financial test (total of all cost estimates shown in the paragraphs above): \$ _____.</p> <p>*2. Sum of cash and marketable securities: \$ _____.</p> <p>*3. Total expenditures: \$ _____.</p> <p>*4. Annual debt service: \$ _____.</p> <p>*5. Long-term debt: \$ _____.</p> <p>*6. Capital expenditures: \$ _____.</p> <p>*7. Total assured environmental costs: \$ _____.</p> <p>*8. Total annual revenue: \$ _____.</p> <p>Yes No</p> <p>9. Is line 2 divided by line 3 greater than or equal to 0.05?</p> <p>10. Is line 4 divided by line 3 less than or equal to 0.20?</p> <p>11. Is line 5 divided by line 6 less than or equal to 2.00?</p> <p>12. Is line 7 divided by line 8 less than or equal to 0.43?</p>	<p>(3745-27-17(H) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

**Table 7: Countywide Recycling & Disposal Facility, Inc.
Evaluation of OAC 3734-27-17 Requirements for Proposed Permit Modification**

OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>If not, complete lines 13 and 14. 13. Multiply line 8 by 0.43 = \$. This is the maximum amount allowed to assure environmental costs. 14. Line 13 subtracted from line 7 = \$ _____ . This amount must be assured by another financial assurance mechanism listed in paragraphs (F), (G), (I), and/or (J), in rules 3745-27-15, 3745-27-16, and paragraphs (G), (H), (J), and/or (K) in rule 3745-27-18 of the Administrative Code.</p> <p>Alternative II 1. Sum of current final closure, post-closure care, scrap tire transporter final closure, corrective measures cost estimates, and any other environmental obligations assured by a financial test (total of all cost estimates shown in the paragraphs above): \$ _____ . 2. Current bond rating of most recent issuance and name of rating service: 3. Date of issuance of bond: _____ . 4. Date of maturity of bond: _____ . 5. Total assured environmental costs: \$ _____ . *6. Total annual revenue: \$ _____ .</p> <p>Yes No</p> <p>7. Is line 5 divided by line 6 less than or equal to 0.43?</p> <p>If not, complete lines 8 and 9. 8. Multiply line 6 by 0.43 = \$ _____ . This is the maximum amount allowed to assure environmental costs. 9. Line 8 subtracted from line 5 = \$ _____ .</p> <p>This amount must be assured by another financial assurance mechanism listed in paragraphs (F), (G), (I), and/or (J), in rules 3745-27-15, 3745-27-16, and paragraphs (G), (H), (J), or (K) in rule 3745-27-18 of the Administrative Code. I hereby certify that the wording of this letter is identical to the wording specified in paragraph (H) of rule 3745-27-17 of the Administrative Code as such rule was constituted on the date shown immediately below. I further certify the following:</p> <p>(1) that the local government's financial statements are prepared in conformity with generally accepted accounting principles for governments; (2) that the local government has not operated at a deficit equal to five per cent or more of total annual revenue in either of the past two fiscal</p>	<p>(3745-27-17(H) Continued from previous page) Rule is not applicable</p>	<p>NA</p>

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OAC 3745-27-17 Rule	Applicability of Rule to Permit Modification	Relevant Documents
<p>years; (3) that the local government is not in default on any outstanding general obligation bonds; and, (4) that the local government does not have outstanding general obligations rated less than BBB as issued by "Standard and Poor's" or Baa as issued by "Moody's."</p> <p>[Signature] [Name] [Title] [Date]"</p>	<p>(3745-27-17(H) Continued from previous page) Rule is not applicable</p>	<p>NA</p>