

3745-26-15

Waiver repair facility ~~licensing~~ certification procedures, requirements, and obligations.

- (A) For the purposes of compliance with the waiver related repairs in paragraph (E) of rule 3745-26-12 of the Administrative Code, the director may issue a waiver repair facility ~~license~~ certification or renewal thereof, to an applicant who meets the following requirements:
- (1) Submission of a completed application on a form prescribed by the director;
 - (2) Demonstration, during any on-site inspection by a designee of the director, of compliance with ~~the requirements of~~ this chapter.
- (B) For applicants who meet or continue to meet the criteria for ~~licensing~~ certifying as a waiver repair facility, the director shall issue an initial or a renewal ~~license~~ certification to the facility for a period not to exceed three years. Any renewal application not received within ten days after the last day of the renewal date shall be considered evidence that the facility does not intend to renew their application for a ~~license~~ certificate. For any voluntary relinquishment or abandonment of ~~license~~ certificate, or cessation of operation of the facility, it is the responsibility of the ~~licensee~~ applicant to notify the director, at least seven days in advance, of the exact date the ~~station~~ facility will cease conducting waiver repairs as a certified facility. The director ~~or his representative~~ shall reclaim all state-owned or state-provided property.
- (C) The ~~license~~ certificate shall be valid only for the following:
- (1) The owner in whose name the ~~license~~ certificate is issued;
 - (2) The transaction of business for the purpose of this chapter, ~~and~~.
 - (3) The location designated ~~thereon~~ on the certificate. The applicant shall provide proof that the required emissions equipment as detailed in paragraph ~~(B)~~(G) of this rule ~~3745-26-15 of the Administrative Code~~, has been or will be purchased or leased and ready for operation within one week of purchase or lease.
- (D) The director may include terms and conditions as part of any ~~license~~ certificate issued, to ensure compliance with this chapter.
- (E) Each waiver repair facility shall have a minimum of one certified waiver repair technician, as certified in accordance with rule 3745-26-16 of the Administrative Code. The ~~licensee~~ applicant shall notify the director within seven calendar days, in

writing, when ~~an~~ the last employee, who is a certified waiver repair technician, resigns, is dismissed, or otherwise leaves employment at the facility. If a certified waiver repair technician resigns, is dismissed, or otherwise leaves employment at the facility resulting in no certified technicians currently at the facility, the facility may not conduct waiver repairs will no longer be qualified to be on the list as a certified repair facility.

(F) The director may revoke any waiver repair facility ~~license~~certificate for a facility failing to maintain and meet the terms and conditions established in this rule.

(G) ~~Waiver~~ Certified waiver repair facilities shall ~~not conduct waiver repairs~~ lose their certification if any of ~~unless the~~ the following items are ~~on its premises and missing~~ or are not in full operating condition:

- (1) Current reference materials;
- (2) DVOM or digital multi-meter;
- (3) Vacuum gauge;
- (4) Fuel pressure test kit;
- (5) Carbon cleaner system;
- (6) ~~3, 4, or 5~~ Three, four, or five gas analyzer;
- (7) Scan tool;
- (8) ~~Basic ignition~~ Ignition scope with DIS capabilities.

(H) The following items are required beginning January 1, 1998 when U.S. EPA's phase-in specifications are upgraded:

- (1) Lab scope;
- (2) Purge flow tester;
- (3) Scan tool with OBD II capabilities.

(I) If the director deems it necessary and upon reasonable written notice, additions or

deletions of waiver repair facility equipment may be required.

- (J) The owner or operator of each ~~licensed~~certified waiver repair facility shall display the official sign issued ~~to it~~, by the director. The official certified waiver repair facility sign shall be displayed in full view of the public and shall not be altered in any way.

The sign shall remain the property of the Ohio EPA and, upon discontinuance as a certified waiver repair facility, shall be surrendered by the ~~licensee~~applicant to an authorized representative of the Ohio EPA when so ordered by the director.

- ~~(K) The licensee shall allow only waiver repair technicians to complete and sign the back of the VIR of any vehicle presented to the facility for waiver repairs.~~

- ~~(L) The waiver repair technician whose signature and certification number appears on the back of the VIR shall be accountable for all aspects of waiver repairs he or she performed or approved.~~

- ~~(M) Each licensed waiver repair facility shall accurately maintain all records, forms, and reports the director deems necessary for the administration and quality assurance of the process for issuing waivers. Each waiver repair facility shall maintain such records, forms, and reports on the premises of the facility for a period as the director deems necessary. All such records, forms, and reports shall be readily available to the director or his authorized representative for review at any time.~~

- ~~(N) Licensed waiver repair facilities shall be subject to announced and unannounced periodic audits by the director or his authorized representative, as prescribed in Chapter 3704.14 of the Revised Code, to determine compliance with program rules and waiver repair procedures.~~

- ~~(O)~~(K) Each certified waiver repair facility shall contact the director at least thirty days prior to a change of ownership, business name, or location. Upon notice of a change of a facility owner or location, the director shall issue a certificate under the subsequent facility name, owner, or location, provided the facility meets or continues to meet the minimum criteria as a certified waiver repair facility.~~In the event of any changes, the subsequent owner or the current owner of a subsequent facility location must submit a new licensing application to the director.~~

- ~~(1) The authority to conduct waiver repairs ceases immediately upon change in facility ownership or location from that stated in the application currently on file with the director.~~

- ~~(2) Upon notice of a change of a facility owner or location, the director shall issue a license under the subsequent facility name, owner, or location, provided the facility meets or continues to meet the minimum criteria as a waiver repair~~

facility.

(L) In the event of any changes, the subsequent owner or the current owner of a subsequent facility location shall submit a new certification application to the director.

Effective:

Five Year Review (FYR) Dates: 11/28/2014

Certification

Date

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