

**3745-500-210 Variances for solid waste facilities.**

- (A) An application for a variance for a solid waste facility shall include the following:
- (1) The provision or provisions of the state law for which the variance is requested.
  - (2) Information regarding the reason and justification for the variance.
  - (3) Any other pertinent data regarding the application required by the director.
  - (4) A certification statement and signature in accordance with rule 3745-500-50 of the Administrative Code.
- (B) In accordance with division (S)(1) of section 3745.11 of the Revised Code, the nonrefundable fee shall be paid at the time the application for a variance is submitted. If the application for a variance is part of an application for a permit to install, the variance application fee shall be paid in addition to the permit to install application fee.
- (C) The director shall issue, renew, or deny an application for a variance or renewal of a variance for a solid waste facility not later than six months after the date upon which the director receives a complete application with all pertinent information and data required unless the application for a variance is part of an application for a permit to install. If an application for a variance is part of an application for a permit to install, the director shall issue, renew, or deny an application for a variance or renewal of a variance concurrent with a final or proposed action on the permit to install application.
- (D) The director shall not issue or renew a variance for a solid waste facility unless the applicant demonstrates to the director's satisfaction that construction, operation, and closure activities of the solid waste facility, in the manner approved by the variance and any terms or conditions imposed as part of the variance, does the following:
- (1) Not create a nuisance or a hazard to public health or safety or the environment nor be likely to result in a violation of any other requirements of Chapters 3704., 3714., 3734., and 6111. of the Revised Code and rules adopted thereunder.
  - (2) Be functionally equivalent to the applicable rule requirement. To be functionally equivalent, the alternative shall perform the same function and provide the same or improved utility as is required by the applicable rule.
- (E) When issuing a variance for a solid waste facility, the director shall act in accordance with Chapters 119., 3734., and 3745. of the Revised Code, as applicable.

Effective: 04/01/2017

Five Year Review (FYR) Dates: 05/04/2016 and 04/01/2022

CERTIFIED ELECTRONICALLY

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Certification

09/21/2016

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Date

Promulgated Under: 119.03  
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