

**3745-501-01      Licensing - applicability.**

The rules in this multi-program chapter shall apply when referenced in either of the following:

- (A) A rule in a program chapter.
- (B) A rule in another multi-program chapter that was made applicable by a rule in a program chapter.

Program chapters are Chapters 3745-520 to 3745-599 of the Administrative Code.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02, 3734.05

**3745-501-02      Licensing - definitions.**

If a term used in this chapter is defined in rule 3745-500-02 of the Administrative Code, the definition in rule 3745-500-02 of the Administrative Code is applicable to this chapter unless the term is defined in this rule. As used in this chapter:

- (A) [Reserved.]
- (B) [Reserved.]
- (C) [Reserved.]
- (D) [Reserved.]
- (E) [Reserved.]
- (F) "Facility" means a "solid waste facility."

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.01, 3734.02, 3734.05

**3745-501-05      Licenses required for solid waste facilities.**

- (A) No person shall operate a facility without possessing a separate, valid license for each operation, as required by Chapter 3734. of the Revised Code and rules adopted thereunder. Failure to obtain a renewal license is grounds for closure.
- (B) Each license shall be obtained from the licensing authority.
- (C) A license issued pursuant to this chapter shall be effective until December thirty-first of the year for which it is issued, unless revoked.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02, 3734.05

**3745-501-10 License applications, application procedures, and remittal of fees after license issuance.**

(A) Application.

- (1) The applicant for a facility license shall be either the owner of the facility or operator of the facility who has written permission from the land owner to apply for a license.
- (2) Applications for facility licenses required by rule 3745-501-05 of the Administrative Code shall be made on forms prescribed by the director and at a minimum shall contain information regarding the applicant, owner, operator, facility contacts, property, and operations; signatures; certifications; and any other information the director may require.

(B) License application and application procedures.

- (1) Each application for a solid waste facility license shall be accompanied by a nonrefundable fee in the amount specified in section 3734.05 of the Revised Code. For annual renewal license applications received by a licensing authority between October first and December thirty-first, the applicant shall pay an additional late fee in the amount specified in section 3734.05 of the Revised Code for each whole or partial week the application is submitted beyond September thirtieth, which is the application deadline.
- (2) If the licensing authority determines that information in addition to that required by the application form is necessary to determine whether the application satisfies the requirements of Chapter 3734. of the Revised Code and rules adopted thereunder, the applicant shall upon request supply such additional information.
- (3) Signature. An application for a license shall be signed in accordance with rule 3745-500-50 of the Administrative Code.
- (4) Time frame for application submittal.

(a) A license application shall be submitted to the licensing authority in accordance with the following:

- (i) For a facility that has not previously received a license, the applicant shall submit a license application not later than ninety days prior to the proposed date for accepting solid waste.

[Comment: Chapter 3734. of the Revised Code requires an applicant for a solid waste facility permit to install to concurrently submit an initial application for an operating license even though the facility is not yet constructed or operating.]

- (ii) For a facility that will continue operations beyond the expiration date of the current license, the applicant shall submit a license application on or before September thirtieth of the year preceding that for which the renewal license is sought.

(b) Any complete solid waste facility renewal license application submitted to the licensing authority between October first and December thirty-first of the current license period shall be considered by the licensing authority if the owner or operator pays the license application fee and the late fees specified in paragraph (B)(1) of this rule.

(c) Any renewal license application not submitted to the licensing authority by December thirty-first of the current license period shall not be considered for approval or denial, and the facility will be subject to all applicable closure requirements.

[Comment: Absent any obligation to cease facility operations, any requirement pursuant to Chapter

3734. of the Revised Code and rules adopted under those chapters, or any administrative or court order, a current licensee who has filed an application for a renewal license within the time and in the manner provided in this rule is not required to discontinue operations in the event that the licensing authority has not taken a final action on the application.]

- (C) License fees required after issuance of a license. Not later than thirty days after issuance of a license for a solid waste facility, the owner or operator shall pay a license fee in the amount established by division (A) of section 3734.06 of the Revised Code, as applicable. The license application fee shall be deducted from the license fee amount. Late fees for license applications shall not be deducted from the license fee amount.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02  
Rule Amplifies: 3734.02, 3734.05, 3734.06

**3745-501-15      Criteria for issuing or denying facility licenses.**

- (A) A licensing authority shall not issue a facility license unless the following criteria are met:
- (1) The applicant for the license is the owner of the facility or operator of the facility who has written permission from the land owner to apply for the license.
  - (2) The owner or operator holds a valid permit to install or a registration, if required by Chapter 3734. of the Revised Code and rules adopted thereunder.
  - (3) In the case of an initial facility license where a permit to install or registration has been issued pursuant to Chapter 3734. of the Revised Code and rules adopted thereunder, the facility has been inspected by Ohio EPA and the approved health district, if applicable, and has been determined to be constructed in accordance with all authorizing documents and applicable rules and is adequately prepared for acceptance of solid waste.
  - (4) The owner or operator has demonstrated that all approvals and authorizations have been obtained including but not limited to approvals and authorizations required pursuant to Chapters 3704. and 6111. of the Revised Code.
  - (5) The license application is complete pursuant to rule 3745-501-20 of the Administrative Code.
  - (6) The owner or operator is not required to conduct closure in accordance with any applicable closure rule.
  - (7) The owner or operator submitted the license application for renewal to the licensing authority by December thirty-first of the current license period.
  - (8) Financial assurance for the facility has been established and maintained for closure and post-closure care, as applicable, and documentation of the financial assurance has been submitted in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder.
  - (9) The owner and operator, at facilities they own or operate, are in substantial compliance with, or are on a legally enforceable schedule through issuance of an administrative consent order or judicial consent order to attain compliance with, environmental laws in this state and other jurisdictions. An owner or operator is not in substantial compliance with the environmental laws of this state or other jurisdictions if the owner or operator has committed a significant or material violation of an environmental law or has committed numerous, other violations of environmental laws such that the violations reveal a practice of noncompliance with environmental laws.
  - (10) The owner and operator, at facilities they own or operate or facilities they previously owned or operated, have maintained a history of compliance with environmental laws in this state and other jurisdictions by resolving all administrative and judicial enforcement actions that were brought against them which were based on a significant or material violation of an environmental law, or were based on numerous, other violations of environmental laws that revealed a practice of noncompliance with environmental laws. For purposes of this rule, an enforcement action has been resolved if the owner or operator has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the owner or operator has adjudicated the issue of whether they are in violation of environmental laws to finality.
  - (11) The owner and operator exhibit sufficient reliability, expertise, and competency to operate the facility in substantial compliance with environmental laws in this state as a result of, and including but not limited

to, the assets, employees, equipment, and other resources available at, and dedicated to, the facility.

(B) Grounds for denial. The licensing authority may deny a license application request for any of the following reasons:

- (1) Any of the criteria in paragraph (A) of this rule that are applicable to the facility are not met.
- (2) The license application is incomplete and the applicant has not addressed a notice of deficiency by the licensing authority.
- (3) For a solid waste facility, the following additional grounds:
  - (a) Falsification of any material information that is required to be submitted to a licensing authority as part of the license application.
  - (b) A violation of Chapter 3734. of the Revised Code, any rule adopted under that chapter, including a term or condition of the facility's license has occurred.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.05, 3734.07, 3734.09, 3734.12, 3734.44

**3745-501-20 Procedures for the licensing authority for reviewing and considering license applications.**

- (A) If a license application is incomplete, the licensing authority shall, not later than sixty days after the receipt of an incomplete application, notify the applicant of the nature of the deficiency. If the applicant has not resubmitted a complete application to the licensing authority, the licensing authority may deny the incomplete application. An application is complete when the application contains all of the information that the applicable statute and rules required to be submitted, including such other information as the licensing authority may reasonably require to determine that the application satisfies the requirements of the applicable statute and rules.
- (B) Not more than sixty days prior to issuing a license, a licensing authority shall inspect the facility and certify that the owner and operator are in substantial compliance with Chapter 3734. of the Revised Code and rules adopted thereunder.
- (C) Procedure.
- (1) When acting upon a facility license, the licensing authority shall follow the applicable procedures set forth in rule 3745-500-120 of the Administrative Code.
  - (2) In deciding whether to issue or deny a license, the licensing authority shall comply with rule 3745-501-15 of the Administrative Code.
  - (3) A renewal license application shall not be considered for issuance or denial for a facility where the owner or operator is required to conduct closure requirements in accordance with any applicable closure rule or where the owner or operator has failed to submit the license application to the licensing authority by December thirty-first of the current license period.
  - (4) Time frames for license actions. The licensing authority shall either issue or deny a license as follows:
    - (a) For a renewal license, not later than ninety days after the date upon which a complete application is received.
    - (b) For a facility not previously licensed, not later than forty-five days after written concurrence from Ohio EPA and the approved health district, if applicable, indicating that the site has been inspected and is prepared for operations pursuant to paragraph (A)(3) of rule 3745-501-15 of the Administrative Code.
  - (5) Terms and conditions. A licensing authority may impose such special terms and conditions as are necessary to protect public health and safety and the environment and to ensure that an owner and operator of a facility will comply with Chapter 3734. of the Revised Code and rules adopted thereunder.
- (D) Requirements after license issuance.
- (1) Upon issuance of a license, the licensing authority shall stamp all copies of the license application and approved plans, specifications, and information with the word "Approved" and the date of license issuance.
  - (2) Copies of the signed license and stamped copies of the license application and approved plans, specifications, and information shall be retained and distributed by the licensing authority in accordance with rule 3745-500-130 of the Administrative Code.
- (E) License fees. For solid waste facilities, the licensing authority shall collect the required license fees, including any applicable late fees, and manage those funds in accordance with the applicable sections of Chapter 3734.

of the Revised Code and rules adopted thereunder.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.05, 3734.07, 3734.12

**3745-501-35      Transfer of licenses.**

(A) License transfer requests.

(1) A solid waste facility licensee may transfer the license after receiving written authorization from both the director and the approved board of health.

(2) Licensee transfer procedures.

(a) Not later than one hundred twenty days prior to the proposed date of a license transfer, the current licensee shall notify the director and, if applicable, the approved board of health, in writing specifying the identity of the proposed transferee and the proposed date for the transferee's assumption of the licensee's obligations.

(b) The proposed license transfer shall be made on forms prescribed by the director and at a minimum shall contain information regarding the applicant, owner, operator, facility contacts, property, and operations; signatures; certifications; and any other information the director may require.

(B) License transfer criteria. A license transfer request shall not be approved unless applicable criteria of Chapter 3734. of the Revised Code and the following criteria are met:

(1) The prospective license transferee meets the requirements as specified in rule 3745-501-15 of the Administrative Code.

(2) The prospective license transferee has established and submitted documentation of financial assurance in accordance with Chapter 3734. of the Revised Code and the rules adopted thereunder.

(3) The prospective transferee of the license is the owner or operator of the facility who has written permission from the land owner.

(C) Licensing authority procedures.

(1) When acting upon a license transfer request, the licensing authority shall follow the appropriate procedures set forth in rule 3745-500-120 of the Administrative Code.

(2) Not later than one hundred twenty days after receiving the request as described in paragraph (B) of this rule, the licensing authority shall approve or deny the transfer.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.05, 3734.12, 3734.40

**3745-501-40      Suspension or revocation of a license.**

- (A) The licensing authority may suspend or revoke a license by order for any cause that would be grounds for suspension or revocation pursuant to Chapter 3734. of the Revised Code and rules adopted thereunder. Grounds include but are not limited to the following:
- (1) Entry pursuant to applicable law to inspect or investigate, obtain samples, and examine or copy records to determine compliance is refused, hindered, or thwarted.
  - (2) The owner or operator violates Chapter 3734. of the Revised Code and rules adopted thereunder.
  - (3) The facility is not being operated in substantial compliance with applicable environmental laws.
  - (4) A nuisance, fire hazard, or health hazard exists at the facility.
  - (5) For a solid waste facility, fraud, deceit, or misrepresentation and other grounds pursuant to section 3734.45 of the Revised Code.
- (B) Procedures for suspending a facility license. When suspending a facility license, the licensing authority shall do at least the following:
- (1) The director shall act in accordance with applicable provisions of Chapters 119., 3734., and 3745. of the Revised Code. The approved board of health shall act in accordance with section 3709.20 of the Revised Code and the applicable provisions of Chapter 3734. of the Revised Code.
  - (2) Unless an emergency exists requiring immediate action to protect public health or safety or the environment, make a suspension of a license effective only after the licensee has been given notice in writing of the conditions or violations that need to be corrected and has been given a reasonable period of time to respond to the notice to make corrections.
  - (3) Issue a written order to suspend the license that contains at a minimum the following information:
    - (a) Information identifying the licensee and the facility.
    - (b) The findings upon which the suspension is based.
    - (c) The effective date of the order.
    - (d) A notice of appeal rights.
  - (4) Retain and distribute copies of the order suspending the facility license pursuant to rule 3745-500-130 of the Administrative Code.
- (C) Licensee procedures if a facility license has been suspended.
- (1) The acceptance of solid waste at the facility shall cease upon the effective date of the order suspending the facility license, unless the order suspending the facility license provides otherwise.
  - (2) The owner or operator shall comply with the operational requirements specified in the applicable rules.
  - (3) The acceptance of solid waste shall not recommence unless the licensing authority has by order reinstated the facility license.
- (D) Licensing authority procedures for reinstating a suspended facility license.

- (1) The licensing authority shall reinstate a suspended facility license through issuance of a written order. The written order shall at a minimum contain the following information:
    - (a) Information identifying the licensee and the facility.
    - (b) The findings upon which the suspended license is reinstated.
    - (c) The effective date of the order.
    - (d) A notice of appeal rights.
  - (2) The licensing authority shall retain and distribute copies of the order reinstating the facility license pursuant to rule 3745-500-130 of the Administrative Code.
- (E) Procedures for revoking a facility license. When revoking a facility license, the licensing authority shall comply with the applicable procedures set forth in rule 3745-500-120 of the Administrative Code.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 3734.12  
Rule Amplifies: 3734.02, 3734.07, 3734.09, 3734.12, 3734.44, 3734.45