

**3745-560-101 Criteria and procedures for approval, termination, revocation, and administrative change of a class I composting facility permit to install.**

(A) Criteria for approval.

- (1) The director shall not approve a class I composting facility permit to install unless the following are determined:
  - (a) Establishment or modification and operation of the class I composting facility will not violate Chapters 3704., 3734., or 6111. of the Revised Code.
  - (b) The applicant or person listed as the operator who has previously or is currently responsible for the management or operation of one or more solid waste facilities has managed or operated such facility in substantial compliance with applicable provision of Chapters 3704., 3714., 3734., and 6111. of the Revised Code and any rules adopted and permits issued thereunder and has maintained substantial compliance with all applicable orders issued by the director, 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 compliance has been maintained with any applicable order of a board of health maintaining a program on the approved list.
  - (c) The applicant meets the requirements of sections 3734.40 and 3734.43 of the Revised Code and rules adopted thereunder.
  - (d) The person listed as operator of the facility shall meet the requirements of division (L) of section 3734.02 of the Revised Code and rules adopted thereunder.
  - (e) The permit to install application contains the information required pursuant to rule 3745-560-100 of the Administrative Code.
  - (f) The siting criteria as established in rule 3745-560-100 of the Administrative Code have been met.
  - (g) The facility preparation requirements are met as established in rule 3745-560-102 of the Administrative Code.
  - (h) The letters of intent were sent in accordance with rule 3745-560-100 of the Administrative Code.
- (2) An application notwithstanding any deficiency may be considered and acted upon if sufficient information is provided for the director to determine whether the permit to install requirements set forth in rule 3745-560-100 of the Administrative Code are satisfied.
- (3) If the director determines that information in addition to that required by rule 3745-560-100 of the Administrative Code is necessary to determine whether the criteria set forth in paragraph (A) of this rule are satisfied, the director may require that the applicant supply such information as a precondition to further consideration of the permit to install application.
- (4) The director may deny a permit to install application for a class I composting facility if not later than thirty days after receipt of notification that the application is incomplete the owner or operator has not corrected noted deficiencies and resubmitted the application or has not submitted a written request for and obtained approval of a thirty day extension.
- (5) The director may deny a permit to install application for a class I composting facility that proposes to be established on land where a hazardous or solid waste facility was operated and has not obtained previous

authorization as required by rule 3745-27-13 of the Administrative Code.

(B) Criteria for termination of a class I composting facility permit to install.

- (1) A class I composting facility permit to install shall terminate in accordance with rule 3745-500-330 of the Administrative Code.
- (2) A class I composting facility permit to install shall expire upon receipt by Ohio EPA of written notification from the owner or operator that the permit to install be terminated.

(C) Criteria for revocation of a class I composting facility permit to install.

The director may revoke a class I composting facility permit to install when any of the following apply:

- (1) The composting facility ceases to be an active composting facility.
  - (2) The siting criteria as established in rule 3745-560-100 of the Administrative Code have not been met.
  - (3) The composting facility was modified or altered and the owner or operator did not submit to Ohio EPA a modification or alteration request for the changes and failed to obtain any applicable authorizing documents.
  - (4) A solid waste facility license held by the owner or operator of the composting facility expires and no license renewal has been applied for in the manner prescribed in Chapter 3745-501 of the Administrative Code.
  - (5) A solid waste facility license held by the owner or operator of the composting facility expires and a license renewal has been applied for and denied as a final action of the licensing authority.
  - (6) A solid waste facility license held by the owner or operator of the composting facility has been revoked as a final action of the licensing authority.
  - (7) The owner or operator sells or offers for sale at retail or wholesale, uses, distributes for use, or gives away any compost that does not comply with the applicable quality standards established in this chapter.
  - (8) The establishment or operation of the composting facility has violated Chapter 3704., 3734., or 6111. of the Revised Code.
  - (9) Any causes for revocation pursuant to rule 3745-500-350 of the Administrative Code.
- (D) Administrative change. A permit to install may be administratively changed in accordance with rule 3745-500-360 of the Administrative Code

(E) Procedures.

- (1) When issuing, denying, modifying, suspending, approving or denying transfer of, or revoking a permit to install, the director shall follow the appropriate procedures set forth in rule 3745-500-120 of the Administrative Code and any applicable procedures set forth in the Revised Code.
- (2) Upon approving or denying the transfer of a permit to install, the director shall retain and distribute copies of the signed approval or denial letter pursuant to rule 3745-500-130 of the Administrative Code.

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Certification

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Date

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