

Ohio Administrative Code (OAC) Chapter 3745-580

OPERATOR CERTIFICATION REGULATIONS

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3745-580-01 Certification program - applicability.

(A) This chapter is the program chapter for the certification of facility operators and inspectors of solid waste, infectious waste treatment, and construction and demolition debris facilities, as required by section 3714.062 and division (L) of section 3734.02 of the Revised Code.

(B) This chapter shall apply to facility operators of the following:

- (1) Composting facilities.
- (2) Construction and demolition debris facilities.
- (3) Infectious waste treatment facilities.
- (4) Sanitary landfill facilities.
- (5) Scrap tire facilities.
- (6) Solid waste transfer facilities.
- (7) Other facilities as that term is defined in section 3734.01 of the Revised Code and rules adopted under section 3734.02 of the Revised Code.

(C) This chapter shall apply to inspectors of the following:

- (1) Composting facilities.
- (2) Infectious waste treatment facilities.
- (3) Sanitary landfill facilities.
- (4) Scrap tire facilities.
- (5) Solid waste transfer facilities.
- (6) Other facilities as that term is defined in section 3734.01 of the Revised Code and rules adopted under section 3734.02 of the Revised Code.

3745-580-02 Certification program - 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)

(1) "Certified inspector" means an individual who has successfully completed basic inspector certification course, applicable facility-specific certification course, and applicable examinations.

(2) "Certified facility operator" means an individual who has successfully completed applicable facility-specific certification course and examinations.

(3) "Certification" means a designation issued by Ohio EPA signifying that an individual has successfully completed all certification courses and examinations required in accordance with this chapter.

(D) [Reserved.]

(E) [Reserved.]

(F)

(1) "Facility" means any type of facility subject to Chapter 3714. or 3734. of the Revised Code including but not limited to a solid waste landfill, construction and demolition debris (C&DD) landfill, solid waste transfer facility, composting facility, scrap tire facility, or infectious waste treatment facility.

(2) "Facility operator" means an individual who has primary responsibility for the on-site operation of a solid waste, infectious waste treatment, or C&DD facility and has decision-making authority and discretion to ensure compliance with all authorizing documents.

[Comment: A facility operator does not include elected officials, corporate officers or directors, accountants, office personnel,

gatekeepers, day laborers or temporary employees, security guards, or other persons in a managerial role unless such person is directly involved in on-site supervision or operation of a solid waste, infectious waste treatment, or C&DD facility.]

(G) [Reserved.]

(H) [Reserved.]

(I) "Inspector" means an employee of a board of health who is responsible for making required inspections of solid waste or infectious waste treatment facilities to ensure that the owners and operators of such facilities are in compliance with Chapter 3734. of the Revised Code, rules adopted thereunder, and any other applicable statutes and rules. Inspector does not refer to an employee whose job duties and functions do not include inspection of solid waste or infectious waste treatment facilities.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O) "On-site" means physical presence at the facility location as specified by the facility boundary delineated in an approved authorizing document, if required.

3745-580-03 Certification for solid waste, infectious waste treatment, and C&DD facility operators.

(A) Not later than two years after Ohio EPA first makes the applicable course available, the owner or operator of a registered or licensed solid waste, infectious waste treatment, or C&DD facility shall ensure that facility operators responsible for the operations of the facility types specified in rule 3745-580-01 of the Administrative Code have obtained the applicable certification in accordance with this chapter.

(B) The owner or operator of a solid waste, infectious waste treatment, or C&DD facility shall ensure that at least certified facility operator shall be on-site at all times when waste or C&DD is accepted or maintenance activities related to engineered components are performed.

(C) For sanitary landfill facilities or C&DD facilities that have ceased waste or C&DD acceptance and have begun final closure activities in accordance with applicable closure rules, the owner or operator shall ensure a certified facility operator conducts all required inspections, as applicable.

(D) In the event that a certified facility operator is not available to perform the functions of this chapter, the owner or operator shall notify Ohio EPA in writing not later than seven days after a certified facility operator is not available to perform the functions of this chapter and shall do one of the following:

(1) Continue operations and ensure a certified facility operator is available, pursuant to paragraph (A) of this rule, not later than forty-five days after the next available applicable certification course offering.

(2) Suspend waste or C&DD acceptance until such time that a certified facility operator is available.

3745-580-04 Certification for employees of boards of health responsible for inspecting solid waste or infectious waste facilities.

(A) Employees of boards of health of approved health districts administering and enforcing the solid waste and infectious waste laws pursuant to section 3734.08 of the Revised Code and rules adopted thereunder shall obtain certification in accordance with the following:

(1) Not later than two years after Ohio EPA first makes a course available, inspectors employed by approved health districts as of the effective date of this chapter shall obtain basic inspector certification and certification in each facility type specified in rule 3745-580-01 of the Administrative Code inspected within the jurisdiction of the health district, in accordance with this chapter.

(2) Not later than two years after becoming responsible for performing such duties, inspectors employed by approved health districts after the effective date of this chapter shall obtain basic inspector certification and certification in each facility type specified in rule 3745-580-01 of the Administrative Code inspected within the jurisdiction of the health district, in accordance with this chapter.

(3) If a new facility type becomes operational within the jurisdiction of the approved health district, inspectors shall obtain certification for that facility type not later than two years after the licensing or registration of such facility.

(B) The board of health of a health district on the director's approved list shall ensure that no person in its employment administer or enforce the solid waste or infectious waste laws pursuant to section 3734.08 of the Revised Code and rules adopted thereunder unless that person has obtained applicable certifications in accordance with this chapter.

3745-580-05 Process for obtaining certification.

(A) An individual seeking to become a certified facility operator pursuant to rule 3745-580-03 of the Administrative Code or a certified inspector pursuant to rule 3745-580-04 of the Administrative Code shall register for applicable certification courses and examinations by submitting the appropriate application on forms prescribed by the director and required fees to Ohio EPA not later than thirty days prior to the scheduled certification courses.

(B) Certification courses and examinations.

(1) Facility operators and inspectors shall attend required certification courses offered by Ohio EPA to fulfill at a minimum

the requirements of section 3714.062 and division (L) of section 3734.02 of the Revised Code, as applicable.

(2) Facility operators and inspectors shall complete a written examination upon completion of the certification course to determine the knowledge and proficiency of the individual seeking certification.

(3) An individual who fails to pass an examination by attaining a score of less than seventy per cent may schedule a re-examination without taking the certification course again, and shall submit an application to do so not later than forty-five days after the original examination.

(4) An individual who fails to pass re-examination or misses the required time frame to submit an application in accordance with this rule shall repeat the certification course prior to re-examination.

(5) Individuals who take the examination are not permitted to keep copies of the examination.

(6) Individuals who have not applied for certification thirty days prior to the commencement of certification course, who fail to pay the required fees, or fail to verify identity at the examination site shall not be eligible to take the certification course or examination.

(C) Certification criteria. The director shall not certify any individual unless the following criteria have been met:

(1) The individual submits an application on a form prescribed by the director and pays any applicable fees.

(2) The individual attends the required certification course.

(3) The individual attains a passing score of seventy per cent or higher on the examination.

(D) Certifications shall expire triennially on the date fixed by Ohio EPA and become invalid on that date unless renewed in accordance with rule 3745-580-06 of the Administrative Code.

(E) Certified facility operators of C&DD facilities shall obtain ten continuing education hours every certification year for the certified facility operator's certification to remain valid. Failure to obtain ten continuing education hours for each certification year will result in the expiration of the certification.

3745-580-06 Certification renewal.

(A) Not later than thirty days prior to the expiration of a certification, individuals seeking to maintain certification shall apply for renewal by submitting to Ohio EPA the following:

(1) A renewal application on forms prescribed by the director accompanied by any required fees. The renewal application shall include but not be limited to general contact information, certification number, and continuing education hours.

(2) Documentation supporting the completion of the Ohio EPA certification course required by this chapter or continuing

education hours as required by rule 3745-580-08 of the Administrative Code, as applicable.

(B) Criteria for issuance. The director shall not renew certification to an individual unless the following criteria are met:

(1) The individual submits an application in accordance with this rule.

(2) The individual pays the renewal fee in accordance with this rule.

(3) The individual completes the certification course required by this chapter triennially or demonstrates completion of continuing education hours as required by rule 3745-580-08 of the Administrative Code, as applicable.

(C) Applications for renewal received not later than ninety days following the expiration date of the certification may be considered for renewal without retaking the certification course and examination.

(D) Upon expiration of certification, an individual shall not function as a certified facility operator or as a certified inspector until certification is obtained in accordance with rule 3745-580-05 of the Administrative Code.

3745-580-07 Certification fees.

(A) Applicants for facility operator and inspector certifications or for renewals of facility operator and inspector certification to be issued by the director shall pay a fee to Ohio EPA for each application, certification course, and examination. Fees shall be designed and assessed to applicants to defray the costs associated with the program and shall not exceed actual costs.

(B) Applications for certification or renewal shall not be considered by Ohio EPA until all fees are paid in full.

(C) All fees are non-refundable and shall not be prorated.

3745-580-08 Continuing education hours.

(A) Prior to expiration of certification, continuing education shall be completed as follows:

(1) Certified facility operators of C&DD facilities shall complete a minimum of ten clock hours per year of approved continuing education courses to be eligible to apply for renewal in accordance with rule 3745-580-06 of the Administrative Code.

(2) Certified inspectors of solid waste and infectious waste treatment facilities and certified facility operators shall complete the applicable Ohio EPA certification course triennially or complete a minimum of ten clock hours per year of approved continuing education courses to be eligible to apply for renewal in accordance with rule 3745-580-06 of the Administrative Code.

[Comment: An individual certified as a certified facility operator under section 3714.062 and division (L) of section 3734.02 if

the Revised Code may satisfy the requirements of this rule by annually completing ten clock hours of continuing education approved for both C&DD facilities and solid waste and infectious waste treatment facilities.]

(3) Certified inspectors of solid waste and infectious waste treatment facilities and certified facility operators shall submit documentation of attendance with the renewal applications on forms prescribed by the director.

[Comment: This may include an attendance form provided by an organization that received approval from Ohio EPA in accordance with this rule.]

(B) Continuing education hours shall be approved by Ohio EPA by completing one of the following:

(1) An individual may apply for continuing education hours from attendance at a course with subject matter related to the operation and performance of the respective facility type. No more than twenty per cent of the required continuing education hours shall be safety-related training courses.

(2) An individual, association, or organization may apply for approval to conduct a course for continuing education hours that may be completed by facility operators and inspectors with subject matter related to the operation and performance of solid waste, infectious waste treatment, or C&DD facilities.

(3) An application for program approval shall be submitted on forms prescribed by the director and shall include at a minimum the educational objectives of the course, program content, continuing education hours requested, names and qualifications of instructors, and verifications that course attendance is monitored.

(4) A course approved for continuing education hours shall at a minimum meet the following criteria:

(a) The course shall be instructed by individuals with a sufficient level of expertise in the information being presented in the course.

(b) The course shall cover new technologies, best management practices, or operations consistent with the statutes and rules of Ohio and industry standards. Courses may also cover inspections, enforcement, or compliance consistent with the statutes and rules of Ohio.