

**DRAFT OAC Chapter 3745-520 Regulation of New C&DD Facilities - Table of Contents**

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ORC Section 3714.01 (amended by HB 432 and HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.01. Definitions</b>			
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	No.	400-01	500-02
(B) "Closure" means either the time at which a construction and demolition debris facility will no longer accept construction and demolition debris for disposal or the effective date of an order revoking the license of the facility. "Closure" includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including, without limitation, the establishment and maintenance of suitable cover of soil and vegetation over areas where construction and demolition debris is buried and the minimization of erosion, the infiltration of surface water into such areas, the production of leachate, and the accumulation and runoff of contaminated surface water.	No.		520-02
(C) "Construction and demolition debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. "Construction and demolition debris" includes particles and dust created during demolition activities. "Construction and demolition debris" does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.	amended by HB 432	400-01	500-02
(D) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any construction and demolition debris into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage.	No.	400-01	500-02
(E) "Facility" means any site, location, tract of land, installation, or building used for the disposal of construction and demolition debris. "Facility" does not include any construction site where construction debris and trees and brush removed in clearing the construction site are used as fill material on the site where the materials are generated or removed and does not include any site where materials composed exclusively of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes or to bring the site up to a consistent grade.	No.		520-02 with reference to 500-02
(F) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.	No.		500-02
(G) "New construction and demolition debris facility" or "new facility" includes an existing facility that is proposing to expand the facility beyond the limits of construction and demolition debris placement approved by a board of health or the director of environmental protection, as applicable, under this chapter.	enacted by HB 397		520-02

ORC Section 3714.01 (amended by HB 432 and HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.01. Definitions</b>			
(H) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code.	No.	400-01	500-02
(I) "Pulverized debris" means a load of debris that, after demolition has occurred, but prior to acceptance of the load of debris for disposal, has been shredded, crushed, ground, or otherwise rendered to such an extent that the load of debris is unidentifiable as construction and demolition debris.	enacted by HB 397		520-02
(J) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has at least five years of relevant experience in ground water hydrogeology and related fields that enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective measures.	enacted by HB 397	400-01	500-02
(K) "Storage" means the holding of construction and demolition debris for a temporary period in such a manner that it remains retrievable and substantially unchanged and, at the end of the period, is disposed of or reused or recycled in a beneficial manner.	No.	400-01	520-02
(L) "Transfer facility" means a site, location, tract of land, installation, or building that is primarily used or intended to be used for the purpose of transferring construction and demolition debris that was generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a construction and demolition debris facility.	enacted by HB 397		520-02*

\* The definition of "Transfer facility" can be found under "Construction and demolition debris transfer facility" in 520-01.

ORC Section 3714.02 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
The director of environmental protection shall adopt, and may amend and rescind, rules governing construction and demolition debris facilities and the inspection of and issuance of permits to install and licenses for those facilities.	amended by HB 397	*Licenses and inspections: 3745-37	*Permits: 520-300s; Licenses: 520-400s, 3745-501; see 3714.08(C) for inspection
The rules shall ensure that the facilities will not create a nuisance, fire hazard, or health hazard or cause or contribute to air or water pollution. The rules shall establish all of the following:	No.	*400-11	*Hydrogen sulfide: 520-480 & 520-680; Liner: 520-230; Cap: 520-260; Fire: 520-470, 520-670, & 520-675; Leachate management system: 520-240; Leachate recirculation: 520-654; Ground water monitoring: 3745-506
<b>*Note:</b> The authority granted in statute is expressed in numerous rules that carry out these authorities; these rule references are just some of the many.			
(A) Standards and procedures for the issuance of permits to install under section 3714.051 that shall include all of the following:	enacted by HB 397		520-300s
(1) Information that must be included in the designs and plans required to be submitted with the application for a permit to install under section 3714.051 [3714.05.1] of the Revised Code	enacted by HB 397		520-300 and 520-302
and criteria for approving, disapproving, or requiring modification of the designs and plans;	enacted by HB 397		Criteria: 520-312; Modification: 520-330 & 520-335
(2) Information that must be included with an application for a permit to install in addition to the information required under section 3714.051 [3714.05.1] of the Revised Code;	enacted by HB 397		520-300 & 520-302
(3) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install;	enacted by HB 397		Issuance/denial: 520-310; Modification: 520-330 & 520-335; Transfer: 520-340; Suspension: 520-350; Revocation: 520-360
(4) Grounds for the denial, modification, suspension, or revocation of permits to install;	enacted by HB 397		Denial: 520-312; Modification: 520-330; Suspension: 520-350; Revocation: 520-360

ORC Section 3714.02 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
(5) A requirement that a person that is required to obtain both a permit to install under section 3714.051 [3714.05.1] of the Revised Code and a license under section 3714.06 of the Revised Code obtain both the permit and license prior to operation;	enacted by HB 397		520-03(B); 520-03(E)
(6) Criteria for establishing time periods after which a permit to install expires;	enacted by HB 397		520-370
(7) Any other requirements that the director determines necessary in order to establish the program for the issuance of permits to install under section 3714.051 [3714.05.1] of the Revised Code.	enacted by HB 397		520-380 (Administrative changes to a PTI.), for example; 520-320 (Alterations)
(B) Standards for the design and construction of facilities. The standards may include, without limitation, requirements for diking around the areas where debris is buried to prevent runoff of surface water onto adjacent property.	No.	400-07	520-200s and 520-500s. This includes leachate recirculation, liner, cap, surface water management system, and vegetated earthen berm requirements; 3745-510: This includes site investigation and geotechnical stability analysis. 3745-511 and 3745-512 include additional design and construction requirements for engineered components.
(C) Standards for control over access to facilities and for the operation of facilities, including, without limitation, standards for the compaction and covering of debris disposed of and standards regarding equipment used for the operation of facilities;	No.	400-11	520-600s
(D) Criteria and procedures for granting authorization to the owner or operator of a facility to dispose of asbestos or asbestos-containing materials or products at the owner's or operator's facility;	No.	400-11 (F)(2)(c)	520-400(A)(4); 501-25
(E) Requirements for the installation of ground water monitoring wells and the monitoring of ground water quality at any facility where the operation of the facility threatens to contaminate ground water.	No.	400-10	520-06 (Applicability rule that directs O/O to 3745-506). 520-300(C)(10) and 3745-510: This includes site investigation, which is needed in order to design a ground water monitoring system.

ORC Section 3714.02 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
The rules shall require that ground water monitoring be capable of determining impacts resulting from the operation of construction and demolition debris facilities.	enacted by HB 397		520-06; Chapter 3745-506; 506-50(B) (program shall be capable of determining impacts); 506-100 (monitoring system); 506-400 (detection monitoring)
The rules also shall include provisions for ground water assessment and corrective actions for impacts to ground water.	enacted by HB 397	400-10 (D) & (E): Ground water assessment	506-500 (assessment); 506-600 (corrective actions)
Further, the rules shall require that the owner or operator of a construction and demolition debris facility submit a monitoring report to the director or a board of health, as applicable, that has been prepared by a qualified ground water scientist and that includes all of the following:	enacted by HB 397	400-10	506-520
(1) A determination of any impacts to ground water from the migration of contaminants from the construction and demolition debris facility;	enacted by HB 397		506-520
(2) A list of the contaminants from the facility that may be causing contamination of ground water;	enacted by HB 397		506-520
(3) Recommendations for actions, if any are necessary, that should be taken to investigate or remediate the source of any ground water contamination.	enacted by HB 397		506-520; 506-600
(F) Requirements for the monitoring and sampling of leachate. The rules adopted under division (F) of this section shall include all of the following:	enacted by HB 397	400-10(C)	520-660
(1) A requirement that the owner or operator of a construction and demolition debris facility provide for sampling of leachate at least annually.	enacted by HB 397	400-10(C)(3)	520-660(B)(1)
However, the rules shall require that if leachate is recirculated through a facility, the leachate be sampled at least every calendar quarter.	enacted by HB 397		520-660(B)(2)
(2) A requirement that the owner or operator of a facility sample for at least seventy-seven parameters that the director shall establish in the rules, which shall include arsenic, copper, and chromium;	enacted by HB 397		520-660(E)(1); 506-703

ORC Section 3714.02 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
(3) Requirements governing facilities that do not have a system for sampling leachate. The rules shall require that the owner or operator of such a facility monitor ground water in accordance with the rules adopted under division (E) of this section for the parameters established in the rules adopted under division (F)(2) of this section.	enacted by HB 397		506-700; 506-701; 506-702; 506-703
(4) A requirement that a facility that monitors ground water and leachate add to the parameters monitored by the ground water monitoring system any parameter that is detected through the monitoring of leachate;	enacted by HB 397		506-700; 506-701; 506-702; 506-703
(5) Requirements governing the reporting of leachate sampling data. The rules shall require that reports be submitted to the director and the applicable board of health.	enacted by HB 397		520-660(F)
(G) Requirements respecting written, narrative plans for the operation of facilities.	No.	37-02(E)	520-402
The rules shall require the owner or operator of a facility to use best management practices.	enacted by HB 397	400-11	520-402
In addition, the rules shall require as a part of the plan of operation of a facility the inclusion of the contingency plans required in rules adopted under division (H) of this section.	enacted by HB 397	400-11(H)(2): Fire prevention plan	520-402
(H) Requirements respecting contingency plans for effective action in response to fire or explosion at a facility	No.		520-402(D); 520-470
or to hydrogen sulfide or other gases created by the operation of a facility that pose a nuisance, cause an offensive odor, or pose a threat to public health or safety or the environment;	enacted by HB 397		520-402(E); 520-480
(I) Financial assurance requirements for the closure and post-closure care of facilities as follows:	amended by HB 397	400-13	520-900s
(1) The rules establishing the financial assurance requirements for the closure of facilities shall require that the owner or operator of a facility, before being issued an initial license for the facility under section 3714.06 of the Revised Code, submit a surety bond, a letter of credit, or other acceptable financial assurance, as specified by the director in the rules, in an amount determined by the director or the appropriate board of health, as applicable.	amended by HB 397	400-13; 37-02 (E)	501-15(A)(8); 520-400 (A)(2)(f); 520-900s
The rules shall include a list of the activities for which financial assurance may be required.	enacted by HB 397		Closure: 520-905(A)(1) w/ reference to 520-710 - - Post-closure: 520-910(A) w/ reference to 520-750

ORC Section 3714.02 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
The rules shall allow the director or board of health, as applicable, to adjust the amount of a surety bond, a letter of credit, or other acceptable financial assurance in conjunction with the issuance of an annual license. However, the rules shall require that the amount of a surety bond, letter of credit, or other acceptable financial assurance for the closure of a facility be not less than thirteen thousand dollars per acre of land that has been or is being used for the disposal of construction and demolition debris.	enacted by HB 397		520-905(B)
The rules shall require an explanation of the rationale for financial assurance amounts exceeding thirteen thousand dollars per acre.	enacted by HB 397		520-905(B)
(2) The rules establishing the financial assurance requirements for the post-closure care of facilities shall address the maintenance of the facility, continuation of any required monitoring systems, and performance and maintenance of any specific requirements established in rules adopted under division (K) of this section or through a permit, license, or order of the director.	enacted by HB 397	400-13	Post-closure: 520-910(A) w/ reference to 520-750
The rules also shall allow the director or board of health, as applicable, to determine the amount of a surety bond, a letter of credit, or other acceptable financial assurance for the post-closure care of a facility based on a required cost estimate for the post-closure care of the facility.	enacted by HB 397		520-910(B)
The rules shall require that the owner or operator of a facility provide post-closure financial assurance for a period of five years after the closure of a facility. However, the rules shall stipulate that post-closure care financial assurance may be extended beyond the five-year period if the extension of the post-closure care period is required under rules adopted under division (K) of this section.	enacted by HB 397		520-700(C)(10); 520-750(B); 520-755 (B)(5); 520-910(C); 520-910(M); 520-910(N)
(J) Requirements for the closure of facilities. The requirements shall include minimum requirements for the closure of facilities and such additional requirements as are reasonably related to the location of the facility and the type and quantity of materials disposed of in the facility. The rules shall require that an owner or operator of a facility, upon the closure of the facility, file in the office of the county recorder of the county in which the facility is located a notice that the property was previously used as a construction and demolition debris facility. The rules shall require that the notice be filed in the same manner as a deed to the property. The rules shall require that the notice include an engineering drawing attachment showing the physical locations of debris placement, an indication of the volumes of debris, and an indication of the depth of the final cover material.	amended by HB 397	400-12	520-700; 520-710; 520-720
(K) Requirements for the post-closure care of facilities for a period of five years after the closure of a facility. However, the rules shall require that the post-closure care period may be extended by order of the applicable board of health, the director, or a court of competent jurisdiction if conditions at a facility are impacting public health or safety or the environment or if ground water assessment and corrective measures are required to be conducted at the facility under rules adopted under division (E) of this section. This division does not limit the authority of the director, a board of health, or a court of competent jurisdiction to issue an order under any other applicable chapter of the Revised Code. The rules adopted under this division shall specify both of the following:	enacted by HB 397		520-750; 520-755; 520-760

<b>ORC Section 3714.02 (amended by HB 397)</b>	<b>Affected by Legislation (more than LSC formatting)?</b>	<b>Where in 3745-400 (eff. 2002)?</b>	<b>Where in current draft rules?</b>
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
(1) With respect to a facility that permanently ceases acceptance of construction and demolition debris in calendar year 2006, the post-closure care and post-closure care financial assurance requirements do not apply, provided that the owner or operator of the facility gives written notice of the date of the cessation to the applicable board of health or the director, the owner or operator of the facility does not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the applicable board of health, the director, or a court of competent jurisdiction governing the post-closure care of and post-closure financial assurance for that facility prior to the date specified in the written notice.	enacted by HB 397		To be promulgated at a later date
(2) With respect to a facility that permanently ceases acceptance of construction and demolition debris in calendar year 2007, the required period of time for post-closure care and post-closure care financial assurance shall be one year after the closure of the facility, provided that the owner or operator of the facility gives written notice of the date of the cessation to the applicable board of health or the director, the owner or operator does not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the applicable board of health, the director, or a court of competent jurisdiction governing the post-closure care of and post closure financial assurance for that facility prior to the date specified in the written notice.	enacted by HB 397		To be promulgated at a later date
(L) Standards and procedures governing the modification of operation licenses issued under section 3714.06 of the Revised Code;	enacted by HB 397	3745-37: Licensing	520-410; 501-30
(M) Procedures and requirements governing the certification of construction and demolition debris by transfer facilities as required under section 3714.082 [3714.08.2] of the Revised Code;	enacted by HB 397		520-690
(N) Requirements governing the provision of notification under section 3714.083 [3714.08.3] of the Revised Code by owners and operators of construction and demolition debris facilities of rejected loads and by transporters and shippers of the final disposition of rejected loads;	enacted by HB 397	400-11: records of rejected loads	520-630; 520-632; 520-634; 520-640
(O) Requirements governing the certification and training of operators of construction and demolition debris facilities as required under section 3714.062 [3714.06.2] of the Revised Code;	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules*
* 520-02(B)(15) states that the owner or operator shall comply with the operator certification requirements of rules adopted under division (O) of section 3714.02 of the Revised Code. These rules have not yet been promulgated.			
(P) Definitions of "owner" and "operator" for purposes of this chapter.	enacted by HB 397	400-01	500-02
The rules adopted under this section shall not prohibit the open burning of construction debris on a construction site in compliance with division (C)(1) of section 3704.11 of the Revised Code.	No.	400-04	520-04(B)(3)

ORC Section 3714.02 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning</b>			
Rules adopted under divisions (E) and (F) of this section apply to all new construction and demolition debris facilities for which a permit to install is required under section 3714.051[3714.05.1] of the Revised Code on and after the effective date of this amendment.	enacted by HB 397		520-03; 520-06; 520-660
With respect to a facility that is licensed under section 3714.06 of the Revised Code and operating on the effective date of this amendment: if the facility does not have a ground water monitoring or leachate monitoring system, the facility is not required to comply with rules adopted under division (E) or (F) of this section;	enacted by HB 397		N/A*
if the facility has a ground water monitoring system, but not a leachate monitoring system, the facility shall comply only with rules adopted under divisions (E) and (F)(3) of this section;	enacted by HB 397		N/A*
and if the facility has a leachate monitoring system, but not a ground water monitoring system, the facility shall comply only with rules adopted under division (F) of this section.	enacted by HB 397		N/A*
* These sections of the Revised Code will not apply to facilities needing to obtain a permit, therefore this language will be promulgated for license-only facilities into Chapter 3745-400 of the Administrative Code at a later date.			

ORC Section 3714.021 (enacted by HB 432)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.021. Duty to remove solid wastes from debris prior to disposal on working face of facility</b>			
(A) As used in this section, "working face" means the portion of a construction and demolition debris facility where construction and demolition debris is placed for final disposal.	enacted by HB 432	400-01	520-02
(B) The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. Except as otherwise provided in this division, the existence of solid wastes on the working face of a construction and demolition debris facility does not constitute a violation of this chapter and rules adopted under it if both of the following apply:	enacted by HB 432	400-11	520-630(B)(5)
(1) The wastes constitute not more than two cubic yards per one thousand cubic yards of construction and demolition debris or four cubic yards per one thousand tons of construction and demolition debris disposed of at the construction and demolition debris facility based on the amount of construction and demolition debris disposed of at the facility on the preceding full business day as determined by using the amount of disposal fees collected under <i>section 3714.07 of the Revised Code</i> for wastes disposed of at the facility on that preceding full business day.	enacted by HB 432		520-630(B)(5)
(2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility. The existence of solid wastes on the working face of a construction and demolition debris facility that is located within the boundaries of a sole source aquifer as described in division (B) of <i>section 3714.03 of the Revised Code</i> constitutes a violation of this chapter and rules adopted under it.	enacted by HB 432		520-630(B)(5)
(C) The board of health of the health district in which a construction and demolition debris facility is located, the director of environmental protection, or an authorized representative of either shall request the removal of specific, visible solid wastes that are located on the working face of a construction and demolition debris facility, and the owner or operator or the employees of the facility shall remove those solid wastes.	enacted by HB 432		520-630(B)(5)

ORC Section 3714.03 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit</b>			
(A) As used in this section:			
(1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.	enacted by HB 397	400-01	500-02
(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.	enacted by HB 397		520-02
(3) "Natural area" means either of the following:	enacted by HB 397		520-02
(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under <i>section 1517.14 of the Revised Code</i> ;	enacted by HB 397		520-02
(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.	enacted by HB 397		520-02
(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in <i>section 5104.01 of the Revised Code</i> , a child day-care center as defined in that section, a hospital as defined in <i>section 3727.01 of the Revised Code</i> , a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.	enacted by HB 397		520-02
(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.	enacted by HB 397		500-02
(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:	amended by HB 397		520-312(A)(7)

ORC Section 3714.03 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit</b>			
(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with <i>section 3714.04 of the Revised Code</i> . If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit based upon standard methodologies set forth in "urban hydrology for small watersheds" (soil conservation service technical release number 55) and section 4 of the "national engineering hydrology handbook" of the soil conservation service of the United States department of agriculture.	amended by HB 397	400-06(B)(1)	520-100(B)(1)(a)
(2) Within the boundaries of a sole source aquifer designated by the administrator of the United States environmental protection agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.	No.	400-06(B)(2)	520-100(B)(1)(b)
(C) Neither the director nor any board shall issue a permit to install under section 3714.051 [3714.05.1] of the Revised Code to establish a new construction and demolition debris facility when the horizontal limits of construction and demolition debris placement at the new facility are proposed to be located in any of the following locations:	enacted by HB 397		520-312(A)(7)
(1) Within one hundred feet of a perennial stream as defined by the United States geological survey seven and one-half minute quadrangle map or a category 3 wetland;	enacted by HB 397		520-100(B)(2)(a)(i) and (ii)
(2) Within one hundred feet of the facility's property line;	enacted by HB 397		520-100(B)(2)(a)(iii)
(3) (a) Except as provided in division (C)(3)(b) of this section, within five hundred feet of a residential or public water supply well.	enacted by HB 397		520-100(B)(2)(b)(iv)
(b) Division (C)(3)(a) of this section does not apply to a residential well under any of the circumstances specified in divisions (C)(3)(b)(i) to (iii) of this section as follows:	enacted by HB 397		520-100(B)(2)(b)(iv)
(i) The well is controlled by the owner or operator of the construction and demolition debris facility.	enacted by HB 397		520-100 (B)(2)(b)(iv)(a)
(ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement.	enacted by HB 397		520-100(B)(2)(b)(iv)(b)
(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.	enacted by HB 397		520-100(B)(2)(b)(iv)(c)

ORC Section 3714.03 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit</b>			
(4) Within five hundred feet of a park created or operated pursuant to <i>section 301.26, 511.18, 755.08, 1545.04, or 1545.041 [1545.04.1] of the Revised Code</i> , a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under <i>section 1541.02 of the Revised Code</i> , a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;	enacted by HB 397		520-100 (B)(2)(b)(i)*
(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under <i>section 1517.05 of the Revised Code</i> , or any area designated by the United States department of the interior as a national wildlife refuge;	enacted by HB 397		520-100 (B)(2)(b)(i)*
* The statutory language in these sections was incorporated into the definitions of these terms. See 520-01.			
(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.	enacted by HB 397		520-100(B)(2)(b)(iii)
(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;	enacted by HB 397		520-100(B)(2)(b)(ii)
(8) Within five hundred feet of land that is placed on the state registry of historic landmarks under <i>section 149.55 of the Revised Code</i> ;	enacted by HB 397		520-100(B)(2)(b)(v)
(9) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.	enacted by HB 397		520-100(B)(2)(b)(vi)
(D) Neither the director nor any board shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of $1 \times 10^{-5}$ cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than $1 \times 10^{-6}$ cm/sec.	enacted by HB 397		520-312(A)(7); 520-100(B)(3)
(E) Neither the director nor any board shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.	enacted by HB 397		520-312(A)(7); 520-100(B)(4)

ORC Section 3714.03 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit</b>			
(F) Neither the director nor any board shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility unless the new facility will have all of the following:	enacted by HB 397		520-312
(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;	enacted by HB 397		520-312(A)(8)
(2) Surface water drainage and sediment controls that are required by the director;	enacted by HB 397		520-312(A)(6); 520-280
(3) If the facility is proposed to be located in an area in which an applicable zoning resolution allows residential construction, vegetated earthen berms or an equivalent barrier with a minimum height of six feet separating the facility from adjoining property.	enacted by HB 397		520-312(A)(6); 520-200(B)(6); 520-225
(G) (1) The siting criteria established in this section shall be applied to an application for a permit to install at the time that the application is submitted to the director or a board of health, as applicable. Circumstances related to the siting criteria that change after the application is submitted shall not be considered in approving or disapproving the application.	enacted by HB 397		520-312(A)(7)
(2) The siting criteria established in this section by this amendment do not apply to an expansion of a construction and demolition debris facility that was in operation prior to the effective date of this amendment onto property within the property boundaries identified in the application for the initial license for that facility or any subsequent license issued for that facility up to and including the license issued for that facility for calendar year 2005. The siting criteria established in this section prior to the effective date of this amendment apply to such an expansion.	enacted by HB 397		520-100(A); 520-312(A)(7)

ORC Section 3714.04 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.04. Exemption where disposal of debris is unlikely to have adverse effects; notice to director of EPA of intention to grant exemption; written comment by director</b>			
(A) Subject to division (B) of this section, the director of environmental protection or the board of health having territorial jurisdiction may by order exempt any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such circumstances that, in the determination of the director or board of health, are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, from any provision of this chapter or a rule adopted or order issued under it, other than division (B)(2) of section 3714.03 or division (E) of <i>section 3714.13 of the Revised Code</i> .	No.	400-15	520-20
Neither the director nor any board of health shall grant an exemption under this section from division (B)(1) of <i>section 3714.03 of the Revised Code</i> if the director or board finds from the permit to install application that the establishment of a new construction or demolition debris facility in the one-hundred-year flood plain of a watercourse would result in an increase of more than one foot in the elevation of the flood stage of the watercourse upstream or downstream from the proposed facility. The applicant for a permit to install shall determine the increase in the flood stage resulting from the location of the proposed facility within the one-hundredyear flood plain of a watercourse based upon standard methodologies set forth in "Urban Hydrology for Small Watersheds" (soil conservation service Technical Release Number 55) and section 4 of the "National Engineering Hydrology Handbook" of the soil conservation service of the United States department of agriculture.	amended by HB 397	400-15	520-20
(B) Except in the event of a natural disaster or public health emergency declared by the governor or the director of health, before a board of health issues an order that exempts a person disposing of or proposing to dispose of construction and demolition debris as provided in division (A) of this section, the board shall provide written notice to the director of environmental protection of the board's intention to grant an exemption under that division. The notice shall contain a description of the facts surrounding the proposed exemption and any other information that the director may request. Not later than thirty days after receipt of the notice, the director shall provide written comment to the board of health regarding the proposed exemption. The written comment shall be considered by the board of health prior to the board's issuance of an order granting the exemption.	enacted by HB 397		520-20

ORC Section 3714.05 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.05. Inspection, licensing of facilities; enforcement of standards</b>			
The board of health of each health district maintaining a program on the approved list under <i>section 3714.09 of the Revised Code</i> shall provide for the issuance of permits to install for and the inspection of, licensing of, and enforcement of standards governing construction and demolition debris facilities under this chapter and rules adopted under it.	amended by HB 397	400-01; 37-08	500-02; definitions of licensing authority and permitting authority
The director of environmental protection shall provide for the issuance of permits to install for construction and demolition debris facilities, the inspection and licensing of facilities, and the enforcement of standards in health districts that are not on the approved list under that section and may provide for the inspection of the facilities and enforcement of standards in health districts that are on the approved list under that section.	amended by HB 397	400-01; 37-08	500-02; definitions of licensing authority and permitting authority
Further, the director may provide for the issuance of permits to install in a health district on the approved list if so requested by the applicable board of health under <i>section 3714.051 [3714.05.1] of the Revised Code</i> .	enacted by HB 397		500-02; definition of permitting authority

ORC Section 3714.051 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.051. Program for issuance of permits to install for new facilities</b>			
(A) (1) Not later than one hundred eighty days after the effective date of this section and in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> , the director of environmental protection shall establish a program for the issuance of permits to install for new construction and demolition debris facilities.	enacted by HB 397		520-03; 520-300s
(2) On and after the effective date of this section, no person shall establish a new construction and demolition debris facility without first obtaining a permit to install issued by the board of health of the health district in which the facility is or is to be located or from the director if the facility is or is to be located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> or if a board of health requests the director to issue the permit to install under division (G) of this section.	enacted by HB 397		520-03; 500-02 definition of permitting authority
(B) The director, the director's authorized representative, a board of health, or an authorized representative of the board may assist an applicant for a permit to install during the permitting process by providing guidance and technical assistance.	enacted by HB 397		Rely on statue
(C) An applicant for a permit to install shall submit an application to a board of health or the director, as applicable, on a form that the director prescribes. The applicant shall include with the application all of the following:	enacted by HB 397		520-300(C); 520-300(C)(1); 520-300(C)(2)
(1) The name and address of the applicant, of all partners if the applicant is a partnership or of all officers and directors if the applicant is a corporation, and of any other person who has a right to control or in fact controls management of the applicant or the selection of officers, directors, or managers of the applicant;	enacted by HB 397		520-40
(2) The designs and plans for the construction and demolition debris facility that include the location or proposed location of the facility, design and construction plans and specifications, anticipated beginning and ending dates for work performed, and any other related information that the director requires by rule;	enacted by HB 397		520-300(C)(3); 520-300(C)(11); 520-300(C)(15); 520-302; 520-302(C)(7); 520-200s
(3) The information required under <i>section 3714.052 of the Revised Code</i> ;	enacted by HB 397		520-300
(4) An application fee of two thousand dollars. A board of health shall deposit money collected under division (C)(4) of this section into the special fund of the health district created under <i>section 3714.07 of the Revised Code</i> . The director shall transmit money collected under division (C)(4) of this section to the treasurer of state to be credited to the construction and demolition debris facility oversight fund created in that section. Not later than six months after a facility that is issued a permit to install begins accepting construction and demolition debris for disposal, a board of health or the director, as applicable, shall refund the application fee received under division (C)(4) of this section to the person that submitted the application for the permit to install.	enacted by HB 397		520-300(A)
(5) Any other information required by the director in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397		520-300(C)(15)

ORC Section 3714.051 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.051. Program for issuance of permits to install for new facilities</b>			
(D) A permit to install may be issued with terms and conditions that a board of health or the director, as applicable, finds necessary to ensure that the facility will comply with this chapter and rules adopted under it and to protect public health and safety and the environment.	enacted by HB 397		Rely on statute
(E) A permit to install shall expire after a time period specified by the director or board of health, as applicable, in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> unless the applicant has undertaken a continuing program of construction or has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time, in which case the director or board, as applicable, may extend the expiration date of a permit to install upon request of the applicant.	enacted by HB 397		520-370
(F) The director or a board of health, as applicable, may issue, deny, modify, suspend, or revoke a permit to install in accordance with rules.	enacted by HB 397		Issuance/ denial: 520-310; Modification: 520-330 & 520-335; Suspension: 520-350; Revocation: 520-360
(G) A board of health shall notify the director of its receipt of an application for a permit to install. A board of health, or its authorized representative, may request the director to review an application, or part of an application, for a permit to install and also may request that the director issue or deny it when the board determines that additional expertise is required. The director shall comply with such a request. Upon a board of health's issuance of a permit to install for a new construction and demolition debris facility under this section, the board shall mail a copy of the permit to the director together with approved plans, specifications, and information regarding the facility.	enacted by HB 397		520-310(C); 500-02 for definition of permitting authority; 520-310(F)(2); 500-130

ORC Section 3714.052 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information</b>			
(A) An application for a permit to install a new construction and demolition debris facility that is submitted under <i>section 3714.051 [3714.05.1] of the Revised Code</i> shall include all of the following:	enacted by HB 397		520-300(C)
(1) A listing of all construction and demolition debris facilities or other waste disposal facilities that the owner or operator of the proposed new construction and demolition debris facility or a key employee of the owner or operator has operated or is operating in this state;	enacted by HB 397		520-300(C)(4) which references the statute
(2) A listing of the construction and demolition debris facilities or other waste disposal facilities that the owner or operator or a key employee of the owner or operator has operated or is operating elsewhere in the United States together with a listing of the construction and demolition debris facilities or other waste disposal facilities that the owner or operator or a key employee of the owner or operator has operated or is operating outside the United States;	enacted by HB 397		520-300(C)(4) which references the statute
(3) A listing of all administrative enforcement orders issued to the owner or operator or a key employee of the owner or operator, all civil actions in which the owner or operator or a key employee of the owner or operator was determined by the trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all criminal actions in which the owner or operator or a key employee of the owner or operator pleaded guilty or was convicted, during the ten years immediately preceding the submission of the application, in connection with any violation by the owner or operator or a key employee of the owner or operator of an applicable state or federal law pertaining to environmental protection or the environmental laws of another country;	enacted by HB 397		520-300(C)(4) which references the statute
(4) A listing of all administrative enforcement orders, civil actions, or criminal actions pending at the time of the submission of the application for a permit to install in connection with a violation of any applicable state or federal law or law of another country pertaining to environmental protection that was alleged to have been committed by the owner or operator or a key employee of the owner or operator. The lists of construction and demolition debris facilities or other waste disposal facilities operated by the owner or operator or a key employee of the owner or operator within or outside this state or outside the United States shall include all such facilities operated by the owner or operator or a key employee of the owner or operator during the ten-year period immediately preceding the submission of the application.	enacted by HB 397		520-300(C)(4) which references the statute

ORC Section 3714.052 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information</b>			
(B) If the applicant for a permit to install has been involved in any prior activity involving the operation of a construction and demolition debris facility or other waste disposal facility, the director of environmental protection or a board of health, as applicable, may deny the application if the director or board finds from the application, the information submitted under divisions (A)(1) to (4) of this section, pertinent information submitted to the director or board, and other pertinent information obtained by the director or board at the director's or board's discretion that the applicant or any other person listed on the application, in the operation of construction and demolition debris facilities or other waste disposal facilities, has a history of substantial noncompliance with state and federal laws pertaining to environmental protection or the environmental laws of another country that indicates that the applicant lacks sufficient reliability, expertise, and competence to operate the proposed new construction and demolition debris facility in substantial compliance with this chapter and rules adopted under it.	enacted by HB 397		520-312(C)(3)
(C) At the same time that an application for an annual operation license required under <i>section 3714.06 of the Revised Code</i> is submitted, an owner or operator of a construction and demolition debris facility that has submitted the information required under division (A) of this section shall submit to the director or board of health, as applicable, all information required to be submitted under division (A) of this section that has changed or been added since the issuance of the most recent annual operation license for the facility. If, during that period, there have been no changes in or additions to that information, the owner or operator shall submit to the director or board an affidavit stating that there have been no changes in or additions to that information during that time period.	enacted by HB 397		520-400(A)(5)
The director or board may revoke the license for the facility if the updated information indicates any of the reasons specified in division (B) of this section for the denial of an application for a permit to install.	enacted by HB 397		501-40(A)(6)
(D) A person to whom the permit to install or the license for a construction and demolition debris facility is proposed to be transferred under division (B) of <i>section 3714.06 of the Revised Code</i> shall submit to the director or a board of health, as applicable, the information that is required to be submitted under division (A) of this section by an applicant for a permit to install not later than one hundred twenty days prior to the proposed acquisition of the facility by the transferee.	enacted by HB 397		Permit 520-340(B)(1); License: 501-35(A)(3)(b)
The director or board of health may deny the transfer of the permit or license, as applicable, if the information regarding the transferee indicates any of the reasons specified in division (B) of this section for the denial of an application for a permit to install.	enacted by HB 397		Permit: 520-340(C)(2); License: 501-40(B)(4)
(E) When the owner or operator of a facility employs a new key employee, the owner or operator shall submit or shall require the new key employee to submit to the director or a board of health, as applicable, information regarding the new key employee that is required to be submitted under division (A) of this section by an applicant for a permit to install.	enacted by HB 397		520-70
The director or board may revoke the permit to install or the license for the facility, as applicable, if the information regarding the new key employee indicates any of the reasons specified in division (B) of this section for the denial of an application for a permit to install.	enacted by HB 397		Permit: 520-360(A)(3); License: 501-40(A)(6)

ORC Section 3714.052 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information</b>			
(F) In lieu of complying with this section, an applicant for a permit to install for, or a proposed transferee of a permit to install or a license for, a construction and demolition debris facility may choose to comply with <i>sections 3734.41 to 3734.47 of the Revised Code</i> . An applicant or transferee that so chooses shall comply with those sections. For purposes of this division, <i>sections 3734.41 to 3734.47 of the Revised Code</i> are deemed to apply to applicants for permits to install for, and proposed transferees of permits to install or licenses for, construction and demolition debris facilities. The director shall provide notice in writing to the applicable board of health that the applicant or proposed transferee has complied with <i>sections 3734.41 to 3734.47 of the Revised Code</i> and has sufficient reliability, expertise, and competence to operate the construction and demolition debris facility in substantial compliance with this chapter and the rules adopted under it.	enacted by HB 397		Application for permit: 520-300(C)(4); Permit transfer: 520-340(B)(3); License transfer: 501-35(A)(3)(b)
(G) As used in this section, "key employee" means an individual employed by an applicant for a permit to install for, or by the proposed transferee of a permit to install or license for, a construction and demolition debris facility in a supervisory capacity or who is empowered to make discretionary decisions with respect to the construction and demolition debris operations of the applicant or transferee, but does not include an employee who is exclusively engaged in the physical or mechanical collection, transfer, transportation, storage, or disposal of construction and demolition debris. If the applicant or transferee has entered into a contract with another person to operate the facility that is the subject of the application or transfer, "key employee" includes an employee of the contractor who acts in a supervisory capacity or is empowered to make discretionary decisions with respect to the operation of the facility.	enacted by HB 397		520-02(K)

ORC Section 3714.053 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.053. Public hearing on application for permit to install</b>			
Not later than sixty days after the director of environmental protection or a board of health, as applicable, receives an application for a permit to install a new construction and demolition debris facility, the applicant shall hold a public hearing in the township or municipal corporation in which the facility or proposed facility is or is to be located.	enacted by HB 397		520-304
At least thirty days prior to the public hearing, the applicant shall provide notice of the time, day, and location of the public hearing in a newspaper of general circulation in the locality of the facility or proposed facility and shall mail a copy of the notice to the director or the board of health, whichever is applicable.	enacted by HB 397		520-304
Further, at least thirty days prior to the public hearing, the applicant shall provide notification of the public hearing by certified mail to the owner of each parcel of real property that is adjacent to the facility or proposed facility.	enacted by HB 397		520-304

ORC Section 3714.06 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.06. Annual operation license; transfer; modification</b>			
(A) No person shall operate or maintain a construction and demolition debris facility without an annual construction and demolition debris facility operation license issued by the board of health of the health district in which the facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , from the director of environmental protection.	amended by HB 397	400-11; 37-01	520-03(E); 501-05(A)
Any such license may be issued with such terms and conditions as the board or the director, as appropriate, finds necessary to ensure that the facility will comply with this chapter and the rules adopted under it and to protect the public health and safety and the environment.	No.	400-11	501-20(C)(5)
Licenses issued under this section expire annually on the thirty-first day of December.	No.	37-05	501-05(D)
(B) During the month of December, but before the first day of January of the next year, each person proposing to continue with operation of a construction and demolition debris facility shall procure a license for the facility for that year from the board of health of the health district in which the facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , from the director.	No.		501-10
The application for a license shall be submitted to the board of health or the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought.	No.	37-02(D)	501-10(B)(4)(a)(ii)
An application for a license for a new facility shall be submitted prior to operation of the new facility. The license shall be valid until the time that the next annual license is required to be obtained for the facility under this section.	enacted by HB 397	37-06	520-03(E); 501-05(D)
A person who has received a license, upon sale or disposition of the facility, may, with the approval of the board or the director, as appropriate, have the license as well as a permit to install for the facility transferred to another person. The board or director may disapprove the transfer of the permit or license, as applicable, for any of the reasons specified in division (B) of <i>section 3714.052 [3714.05.2] of the Revised Code</i> for the denial of an application for a permit to install.	amended by HB 397	37-06	License - 501-35; Permit - 520-340
(C) Upon issuance of a license by a board of health under this section, the board shall mail a copy of the license to the director together with a copy of the plans for the operation of the facility or any necessary plan updates, as applicable, that are required under <i>section 3714.061 [3714.06.1] of the Revised Code</i> .	amended by HB 397		501-20; 500-130
(D) A license issued under this section may be modified in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	37-07	520-03(F); 501-30; 500-120

ORC Section 3714.061 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.061. Plans for operation to be submitted with application for license; contingency plans furnished to fire department</b>			
(A) A person who submits an application under <i>section 3714.06 of the Revised Code</i> for a license to operate a construction and demolition debris facility shall submit with the application the plans for the operation of the facility that are required in rules adopted under division (G) of <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397		520-400(A)(7); 501-10(A)(3)
In addition, the owner or operator of the facility shall submit any necessary updates to the plans for the operation of the facility as required in rules adopted under that division when submitting an application under <i>section 3714.06 of the Revised Code</i> for an annual license for the continued operation of the facility. The plans for the operation of the facility shall include the contingency plans that are required in rules adopted under division (H) of <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397		520-400(A)(7); 520-402(D) & (E)
(B) A person who submits an application under <i>section 3714.06 of the Revised Code</i> for a license to operate a construction and demolition debris facility shall provide, at the time that the application is submitted, to the fire department that would respond to the facility a copy of the contingency plans that are required in rules adopted under division (H) of <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397		520-400(B)(3)
In addition, the owner or operator of the facility shall submit any necessary updates to the plans as required in rules adopted under that division at the time that the owner or operator submits an application under <i>section 3714.06 of the Revised Code</i> for an annual license for continued operation of the facility.	enacted by HB 397		520-400(A)(7); 501-10(A)(3)

ORC Section 3714.062 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.062. Program for certification of operators; continuing education training</b>			
(A) The director of environmental protection, in consultation with boards of health and a statewide association representing construction and demolition debris facilities, shall establish a program for the certification of operators of construction and demolition debris facilities and shall establish continuing education training requirements for those operators as part of the certification program.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules
(B) The program for the certification of operators, including the continuing education training requirements, shall include instruction in and shall emphasize, at a minimum, both of the following:	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules
(1) The laws governing construction and demolition debris facilities and disposal of construction and demolition debris;	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules
(2) Best management practices governing construction and demolition debris facilities and disposal of construction and demolition debris.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules
(C) The director shall accredit educational programs and approve statewide associations representing construction and demolition debris facilities to provide continuing education training for operators of construction and demolition debris facilities. The educational programs and associations shall meet the standards established in rules adopted under <i>section 3714.02 of the Revised Code</i> . For purposes of this division, educational programs that are specific to construction and demolition debris facilities and are conducted by the director or the director's authorized representatives are accredited continuing education training programs.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules
(D) An operator shall successfully complete a minimum of ten hours of continuing education training each calendar year. No operator shall fail to comply with this division.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules	To be promulgated at a later date: Operator Certification rules

ORC Section 3714.07 (enacted by HB 432; amended by HBs 66 and 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility</b>			
(A) (1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code a fee of thirty cents per cubic yard or sixty cents per ton, as applicable.	enacted by HB 432		Rely on statute
(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement.	enacted by HB 432	400-11: Daily Log	520-30: Log of operations
In estimating the fee based on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and demolition debris to the facility or the cubic yards actually logged for disposal by the owner or operator in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 432	400-11: Daily Log	Rely on statute
If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of construction and demolition debris that is transported to the facility for disposal.	enacted by HB 432	400-11: Daily Log	Rely on statute
(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall collect the fee levied under division (A) of this section as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under <i>section 3714.09 of the Revised Code</i> , or for the state.	enacted by HB 432		Rely on statute
The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris received for disposal at the facility and the total amount of money required to be collected on the construction and demolition debris disposed of during that month.	enacted by HB 432		Rely on statute
Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the money required to be collected on the construction and demolition debris disposed of during that month.	enacted by HB 432		Rely on statute
The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied.	enacted by HB 432		Rely on statute
If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.	enacted by HB 432		Rely on statute

ORC Section 3714.07 (enacted by HB 432; amended by HBs 66 and 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility</b>			
(4) Of the money that is collected from a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director not later than forty-five days after the receipt of the money.	enacted by HB 432		Rely on statute
The money retained by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce this chapter and rules adopted under it.	enacted by HB 432		Rely on statute
The director shall transmit all money received from the boards of health of health districts under this section and all money from the disposal fee collected by the director under this section to the treasurer of state to be credited to the construction and demolition debris facility oversight fund, which is hereby created in the state treasury. The fund shall be administered by the director, and money credited to the fund shall be used exclusively for the administration and enforcement of this chapter and rules adopted under it.	enacted by HB 432		Rely on statute
(B) The board of health of a health district or the director may enter into an agreement with the owner or operator of a construction and demolition debris facility or a solid waste facility for the quarterly payment of the money collected from the disposal fee.	enacted by HB 432		Rely on statute
The board of health shall notify the director of any such agreement.	enacted by HB 432		Rely on statute
Not later than forty-five days after receipt of the quarterly payment, the board of health shall transmit the amount established in division (A)(4) of this section to the director.	enacted by HB 432		Rely on statute
The money retained by the board of health shall be deposited in the special fund of the district as required under that division.	enacted by HB 432		Rely on statute
Upon receipt of the money from a board of health, the director shall transmit the money to the treasurer of state to be credited to the construction and demolition debris facility oversight fund.	enacted by HB 432		Rely on statute
(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of <i>section 3734.57 of the Revised Code</i> .	enacted by HB 432		520-51
The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated.	enacted by HB 432		Rely on statute

ORC Section 3714.07 (enacted by HB 432; amended by HBs 66 and 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility</b>			
Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , to the director.	enacted by HB 432		Rely on statute
Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money collected from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.	enacted by HB 432		Rely on statute
Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township.	enacted by HB 432		Rely on statute
The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.	enacted by HB 432		Rely on statute
The legislative authority of a municipal corporation or township may cease collecting money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.	enacted by HB 432		Rely on statute
The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for prorating the amount of the fee that may be appropriated under this division by a municipal corporation or township in which only a portion of a construction and demolition debris facility is located within the territorial boundaries of the municipal corporation or township.	enacted by HB 397		520-51
(D) The board of county commissioners of a county in which a construction and demolition debris facility or a solid waste facility is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a solid waste management district may levy a fee under division (B) of <i>section 3734.57 of the Revised Code</i> .	enacted by HB 432		Rely on statute
The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , to the director.	enacted by HB 432		Rely on statute
Upon receipt of the copy of the resolution and not later than forty five days after receipt of money collected from the fee, the board of health or the director, as applicable, shall transmit to the treasurer of the county that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the resolution to be paid to that county.	enacted by HB 432		Rely on statute

ORC Section 3714.07 (enacted by HB 432; amended by HBs 66 and 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility</b>			
Money received by a county treasurer under this division shall be paid into the general fund of the county.	enacted by HB 432		Rely on statute
The county treasurer shall maintain separate records of the money received under this division. A board of county commissioners may cease collecting money under this division by repealing the resolution that was adopted under this division.	enacted by HB 432		Rely on statute
(E) (1) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if there is no construction and demolition debris facility licensed under this chapter within thirty-five miles of the solid waste facility as determined by a facility's property boundaries.	enacted by HB 432; amended by HB 66		Rely on statute
(2) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.	enacted by HB 432		Rely on statute
(3) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:	enacted by HB 66		Rely on statute
(a) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 66		Rely on statute
(b) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.	enacted by HB 66		Rely on statute

ORC Section 3714.071 (enacted by HB 432; amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.071. Additional disposal fee to pay for ground water monitoring</b>			
(A) For the purpose of funding and conducting ground water monitoring at construction and demolition debris facilities by boards of health of health districts that are on the approved list under <i>section 3714.09 of the Revised Code</i> and the director of environmental protection, the director may adopt rules under Chapter 119. of the Revised Code for the purpose of levying a fee of not more than five cents per cubic yard or ten cents per ton on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter. Such a fee shall be in addition to the fee that is levied under <i>section 3714.07 of the Revised Code</i> . If the director adopts rules under this section establishing a fee on the disposal of construction and demolition debris at a construction and demolition debris facility, the rules shall be subject to review every five years by the joint committee on agency rule review.	enacted by HB 432		520-50
The owner or operator of a construction and demolition debris facility shall collect the fee levied under rules adopted under this section as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under <i>section 3714.09 of the Revised Code</i> , or for the state.	enacted by HB 432		Rely on statute
The owner or operator shall collect and remit the fee in the same manner that the fee levied under <i>section 3714.07 of the Revised Code</i> is collected and remitted.	enacted by HB 432		520-50
The money collected by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely to fund and conduct ground water monitoring at construction and demolition debris facilities within the health district as specified in division (B) of this section.	enacted by HB 432		Rely on statute
Of the money that is collected, a board of health shall transmit eighty per cent of the money received from the owner or operator of a facility under this section to the director not later than forty-five days after the receipt of the money.	enacted by HB 432		Rely on statute
The director shall transmit all money received under this section to the treasurer of state to be credited to the construction and demolition debris facility ground water monitoring fund, which is hereby created in the state treasury. The director shall administer the fund and shall use money credited to it solely for the purposes specified in division (B) of this section.	enacted by HB 432		Rely on statute
(B) A board of health or the director, as applicable, shall conduct ground water monitoring at construction and demolition debris facilities in accordance with this section. In order to conduct the monitoring, the board or director, as applicable, shall pay for the installation of ground water monitoring wells, ground water sampling, and the laboratory analysis of the ground water samples at a construction and demolition debris facility in accordance with either of the following, as applicable:	enacted by HB 432		Rely on statute
(1) If the facility is operating before April 15, 2005, and the facility has not had ground water monitoring wells installed and operating before that date, the board of health or director, as applicable, shall pay the cost of the installation of one or more ground water monitoring wells and the annual sampling and laboratory analysis of the ground water at the facility.	enacted by HB 432		Rely on statute

ORC Section 3714.071 (enacted by HB 432; amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.071. Additional disposal fee to pay for ground water monitoring</b>			
(2) If the facility is operating before April 15, 2005, and the facility has had one or more ground water monitoring wells installed and operating before that date, the board of health or director, as applicable, shall pay the cost of the installation of one or more additional ground water monitoring wells and the annual sampling and laboratory analysis of the ground water at the facility that exceeds the facility's annual cost of ground water monitoring certified under division (C) of this section by the owner or operator of the facility.	enacted by HB 432		Rely on statute
A board of health or the director, as applicable, shall not pay any costs under this section for the installation of ground water monitoring wells, ground water sampling, or the laboratory analysis of ground water samples incurred by a construction and demolition debris facility to comply with rules adopted under <i>section 3714.02 of the Revised Code</i> or a permit to install issued under <i>section 3714.051 [3714.05.1] of the Revised Code</i> .	enacted by HB 397		Rely on statute
(C) For purposes of division (B)(2) of this section, the owner or operator of a construction and demolition debris facility that is operating before April 15, 2005, and that has had ground water monitoring wells installed and has incurred monitoring costs before that date shall retain for three years all documents evidencing the cost of the ground water monitoring.	enacted by HB 432		Rely on statute
If the board or director, as applicable, requests documents evidencing the cost of the ground water monitoring, the owner or operator of the facility shall certify to the board or director, as applicable, the annual cost of ground water monitoring at the facility.	enacted by HB 432		Rely on statute
(D) A board of health or the director, as applicable, shall determine the priority of purchases for ground water monitoring and the payment of the costs of conducting monitoring of ground water as provided in division (B) of this section.	enacted by HB 432		Rely on statute
However, a board of health or the director, as applicable, shall not purchase ground water monitoring wells or pay the costs of conducting monitoring of ground water if the applicable fund does not have sufficient money to pay those costs.	enacted by HB 432		Rely on statute
The director shall consult with boards of health to determine the priority of ground water monitoring at construction and demolition debris facilities that are licensed under this chapter.	enacted by HB 432		Rely on statute
(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer this section.	enacted by HB 432		Rely on statute
(F) A board of health or the director, as applicable, may enter into contracts for the purpose of conducting ground water monitoring that is required in this section.	enacted by HB 432		Rely on statute

ORC Section 3714.072 (enacted by HB 432)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.072. Owner or operator to allow ground water monitoring</b>			
The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall allow a board of health or the director of environmental protection, as applicable, to conduct ground water monitoring at the facility to detect negative impacts to ground water quality as provided in <i>section 3714.071 [3714.07.1] of the Revised Code</i> unless the director determines that it is unlikely that a negative impact to the public health or the environment would occur due to the physical characteristics of the location of the facility.	enacted by HB 432		Rely on statute

ORC Section 3714.073 (enacted by HB 66; amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program</b>			
(A) In addition to the fee levied under division (A)(1) of <i>section 3714.07 of the Revised Code</i> , beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code the following fees: (1) A fee of twelve and one-half cents per cubic yard or twenty-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in <i>section 1515.14 of the Revised Code</i> ;	enacted by HB 66		Rely on statute
(2) A fee of thirty seven and one-half cents per cubic yard or seventy-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in <i>section 1502.02 of the Revised Code</i> .	enacted by HB 66		Rely on statute
(B) The owner or operator of a construction and demolition debris facility or a solid waste facility, as a trustee of the state, shall collect the fees levied under this section and remit the money from the fees in the manner that is established in divisions (A)(2) and (3) of <i>section 3714.07 of the Revised Code</i> for the fee that is levied under division (A)(1) of that section and may enter into an agreement for the quarterly payment of the fees in the manner established in division (B) of that section for the quarterly payment of the fee that is levied under division (A)(1) of that section.	enacted by HB 66; amended by HB 397		Rely on statute
(C) The money that is collected from a construction and demolition debris facility or a solid waste facility and remitted to a board of health or the director of environmental protection, as applicable, pursuant to this section shall be transmitted by the board or director to the treasurer of state not later than forty-five days after the receipt of the money to be credited to the soil and water conservation district assistance fund or the recycling and litter prevention fund, as applicable.	enacted by HB 66; amended by HB 397		Rely on statute
(D) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.	enacted by HB 66		Rely on statute
(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:	enacted by HB 66		Rely on statute
(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 66		Rely on statute

ORC Section 3714.073 (enacted by HB 66; amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program</b>			
(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.	enacted by HB 66		Rely on statute

ORC Section 3714.08 (not amended by HBs 432, 66, or 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.08. Inspection and investigation of facility</b>			
(A) At least annually, the board of health of a health district or the director of environmental protection shall cause each construction and demolition debris facility for which the board or the director, as appropriate, issued a license under <i>section 3714.06 of the Revised Code</i> to be inspected and shall cause a record to be made of each inspection. The board or the director shall require each such facility to be in substantial compliance with this chapter and rules adopted under it.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
(B) Within thirty days after the issuance of a license, the board of health shall certify to the director of environmental protection that the construction and demolition debris facility has been inspected and is in substantial compliance with this chapter and rules adopted under it.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
Each board of health shall provide the director with such other information as he may require from time to time.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
(C) The board of health or its authorized representative and the director or his authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with this chapter and rules adopted under it.	No.	400-12	Rely on statute
The board of health or its authorized representative or the director or his authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter and rules adopted under it within the court's territorial jurisdiction.	No.		Rely on statute
If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health or the director may suspend or revoke the construction and demolition debris facility's license.	No.		501-40(A)(1)
(D) If the entry authorized by division (C) of this section is refused or if the inspection or investigation so authorized is refused, hindered, or thwarted by intimidation or otherwise and if the director, the board of health, or authorized representative of either applies for and obtains a search warrant under division (C) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted is liable to the director or board of health for the reasonable costs incurred by either for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the entry, inspection, or investigation was refused, hindered, or thwarted until the search warrant is executed; for the salary, fringe benefits, and travel expenses of the attorney general, prosecuting attorney of the county, or city director of law, or an authorized assistant, incurred in obtaining the search warrant; and for expenses necessarily incurred for the assistance of local law enforcement officers in executing the search warrant.	No.		Rely on statute

ORC Section 3714.08 (not amended by HBs 432, 66, or 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.08. Inspection and investigation of facility</b>			
In the application for a search warrant, the director or board of health may request and the court, in its order granting the search warrant, may order the owner or operator of the premises to reimburse the director or board of health for such of those costs as the court finds reasonable.	No.		Rely on statute
From moneys recovered under this division, the director shall reimburse the attorney general for the costs incurred by him or his authorized assistant in connection with proceedings for obtaining the search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the search warrant, and shall deposit the remainder to the credit of the construction and demolition debris facility oversight fund created in <i>section 3714.07 of the Revised Code</i> .	No.		Rely on statute
From moneys recovered under this division, the board of health shall reimburse the prosecuting attorney of the county or the city director of law for the costs incurred by him or his authorized assistant in connection with proceedings for obtaining the search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the search warrant, and shall deposit the remainder of any such moneys to the credit of the special fund of the health district created in <i>section 3714.07 of the Revised Code</i> .	No.		Rely on statute

ORC Section 3714.081 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.081. Pulverized debris</b>			
(A) A construction and demolition debris facility shall not accept pulverized debris.	enacted by HB 397	400-11	520-630
(B) The board of health of a health district in which a construction and demolition debris facility is located, the director of environmental protection, or an authorized representative of either may request the removal of pulverized debris that has been brought to the construction and demolition debris facility.	enacted by HB 397		520-630
A board, the director, or an authorized representative of either shall make such a request when the pulverized debris is at the unloading zone of the facility designated under rules adopted under <i>section 3714.02 of the Revised Code</i> and not after the debris has been disposed of on the working face of the facility.	enacted by HB 397		520-630
Upon the receipt of such a request, the owner or operator of the facility shall comply with <i>section 3714.083 [3714.08.3] of the Revised Code</i> and shall do one of the following:	enacted by HB 397		520-630
(1) Immediately cause the pulverized debris to be removed from the facility;	enacted by HB 397		520-630
(2) Store the pulverized debris at a location at the facility where construction and demolition debris is not disposed of for not more than ten days after the receipt of a request to remove the debris from the facility. Not later than the end of the ten-day period, the owner or operator shall cause the pulverized debris to be removed from the facility.	enacted by HB 397		520-630
(C) As used in this section, "working face" has the same meaning as in <i>section 3714.021 [3714.02.1] of the Revised Code</i> .	enacted by HB 397	400-01	520-02(W)(2)

ORC Section 3714.082 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.082. Transfer facility certifications</b>			
(A) Except as provided in division (B) of this section, a construction and demolition debris facility may request a transfer facility to certify that material that is transferred from the transfer facility to the construction and demolition debris facility is not off-specification material; hazardous waste, solid wastes, or infectious wastes; or low-level radioactive waste whose treatment, recycling, storage, or disposal is governed under division (B) of <i>section 3748.10 of the Revised Code</i> .	enacted by HB 397		520-690
As used in this section, "hazardous waste," "solid wastes," and "infectious wastes" have the same meanings as in <i>section 3734.01 of the Revised Code</i> .	enacted by HB 397		520-690
(B) With respect to material that is transferred to a construction and demolition debris facility by a railroad that is regulated under Title 49 of the United States Code, the facility may request the railroad to provide a bill of lading, or a copy of a bill of lading, from the shipper of the material or may request the railroad to provide written information indicating that the railroad did not process or add to the material.	enacted by HB 397		520-690

ORC Section 3714.083 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.083. Rejected debris shipments</b>			
(A) If the owner or operator of a construction and demolition debris facility rejects a load of debris that has been accepted at the unloading zone of the facility because the load is not eligible for disposal at the facility under this chapter and rules adopted under it, including <i>section 3714.081 [3714.08.1] of the Revised Code</i> , the owner or operator shall notify the director of environmental protection or a board of health, as applicable, of the rejection of the load.	enacted by HB 397	400-11	520-632
The notification shall be made in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> and shall include the date and time that the load was rejected, the license plate number of the vehicle transporting the rejected load as well as an indication of the state of origin of the vehicle, the name of the transporter or shipper of the load, if ascertainable, and the reason for rejecting the load.	enacted by HB 397	400-11	520-632
After rejecting a load, the owner or operator shall give the transporter or shipper of the load, as applicable, instructions regarding the requirements of division (B) of this section. The instructions shall be on a form prescribed by the director.	enacted by HB 397		520-632
(B) A transporter or shipper of a load that has been rejected under division (A) of this section shall notify the director or board, as applicable, of the ultimate disposition of the load after the load's rejection.	enacted by HB 397		520-634
The notification shall be made in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> and shall include the date and time that the load was ultimately disposed of after its rejection, the location of the disposal, and the name of the owner or operator of the facility that accepted the load for disposal.	enacted by HB 397		520-634

ORC Section 3714.09 [amended by HB 397 (LSC) and HB 432 (LSC and content)]	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.09. Approved list of health districts; survey, resurvey of each district; authority of director</b>			
(A) The director of environmental protection shall place each health district that is on the approved list under division (A) or (B) of <i>section 3734.08 of the Revised Code</i> on the approved list for the purposes of issuing permits to install and licenses under this chapter.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
Any survey or resurvey of any such health district conducted under <i>section 3734.08 of the Revised Code</i> shall also determine whether there is substantial compliance with this chapter.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
If the director removes any such health district from the approved list under division (B) of that section, the director shall also remove the health district from the approved list under this division and shall administer and enforce this chapter in the health district until the health district is placed on the approved list under division (B) of <i>section 3734.08 of the Revised Code</i> or division (B)(1) of this section.	No	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
(B) (1) Upon the request of the board of health of a health district that is not on the approved list under division (A) or (B) of <i>section 3734.08 of the Revised Code</i> , the director may place the board on the approved list for the purpose of permitting and licensing construction and demolition debris facilities under this chapter if the director determines that the board is both capable of and willing to enforce all of the applicable requirements of this chapter and rules adopted under it.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
(2) The director shall annually survey each health district on the approved list under division (B)(1) of this section to determine whether there is substantial compliance with this chapter and rules adopted under it. Upon determining that there is substantial compliance, the director shall place the health district on the approved list under that division. The director shall make a resurvey when in the director's opinion a resurvey is necessary and shall remove from the approved list under division (B)(1) of this section any health district not substantially complying with this chapter and rules adopted under it.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
(3) If, after a survey or resurvey is made under division (B)(2) of this section, the director determines that a health district is not eligible to be placed on the approved list or to continue on that list, the director shall certify that fact to the board of health of the health district and shall administer and enforce this chapter and rules adopted under it in the health district until such time as the health district is placed on the approved list.	No.	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)
(4) Whenever the director is required to administer and enforce this chapter in any health district under division (A) or (B)(3) of this section, the director is hereby vested with all of the authority and all the duties granted to or imposed upon a board of health under this chapter and rules adopted under it within the health district.	amended by HB 432	37-08	To be promulgated at a later date: 3745-575 (Annual surveys.)

ORC Section 3714.09 [amended by HB 397 (LSC) and HB 432 (LSC and content)]	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.09. Approved list of health districts; survey, resurvey of each district; authority of director</b>			
All disposal fees required to be paid to a board of health by <i>section 3714.07 of the Revised Code</i> and all such previous fees paid to the board, together with any money from construction and demolition debris facility license fees that were required to be paid to the board under <i>section 3714.07 of the Revised Code</i> as that section existed prior to April 15, 2005, that have not been expended or encumbered shall be paid to the director and deposited by the director to the credit of the construction and demolition debris facility oversight fund created in <i>section 3714.07 of the Revised Code</i> .	No		To be promulgated at a later date: 3745-575 (Annual surveys.)
(C) Nothing in this chapter limits the authority of the director to initiate and pursue any administrative remedy or to request the attorney general, the prosecuting attorney of the appropriate county, or the city director of law of the appropriate city to initiate and pursue any appropriate judicial remedy available under this chapter to enforce any provision of this chapter and any rules or terms or conditions of any permit or license or order adopted or issued under this chapter with respect to any construction and demolition debris facility regardless of whether the facility is located in a health district that is on the approved list under this section.	No.		To be promulgated at a later date: 3745-575 (Annual surveys.)

ORC Section 3714.10 (not amended by HBs 432, 66, or 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.10. Denial, suspension, modification or revocation of license</b>			
The board of health of the health district in which a construction and demolition debris facility is located or the director of environmental protection may deny, suspend, or revoke a license for the facility under <i>section 3714.06 of the Revised Code</i> for violation of any section of this chapter, a rule adopted under it, or a term or condition of the facility's license.	No.		501-40(A)(2)
No application for a license to be issued under this chapter shall be denied and no license issued under this chapter shall be modified, suspended, or revoked without a written order stating the findings upon which the denial, suspension, modification, or revocation is based.	No.		Denial, Modification, Revocation - 500-120; Suspension - 501-40
A copy of the order shall be sent to the applicant or license holder by certified mail.	No.	47-07	Denial, Modification, Revocation - 500-120; Suspension - 501-40 (with reference to 500-130)
Unless an emergency exists requiring immediate action to protect the public health or safety or the environment, no suspension, modification, or revocation of a license shall be made effective until the license holder has been given notice in writing.	No.		Suspension - 501-40(B)(2)
Appeal from any suspension, revocation, or denial of a license shall be made in accordance with <i>sections 3745.02 to 3745.06 of the Revised Code</i> .	No.		Denial, Modification, Revocation - 500-120; Suspension - 501-40

ORC Section 3714.101 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.101. Falsification of material information</b>			
Falsification of any material information that is required to be submitted to a board of health or the director of environmental protection with respect to a permit to install or a license issued under this chapter or an application for such a permit or license, or falsification of any other material information that is required to be submitted to a board or the director under this chapter and rules adopted under it, is grounds for the denial, suspension, or revocation of a permit to install or a license issued under this chapter.	enacted by HB 397		Permit: Denial - 520-312(B)(2); Suspension 520-360(A)(1); Revocation - 520-350(A)(1); License: Denial - 501-15(B)(3)(b); Suspension & Revocation - 501-40(A)(5)

ORC Section 3714.11 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited</b>			
(A) The attorney general, the prosecuting attorney of the county, or the city director of law where a violation has occurred, is occurring, or may occur, upon the request of the respective board of health of the health district, the legislative authority of the political subdivision in which a violation has occurred, is occurring, or may occur, or the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated, is violating, or is threatening to violate any section of this chapter, applicable rules adopted under it, or terms or conditions of a permit, license, or order issued under it.	No.		Rely on statute
The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate any section of this chapter, applicable rules adopted under it, or terms or conditions of a permit, license, or order issued under it. The court shall give precedence to such an action over all other cases.	No.		Rely on statute
(B) If the board of health of the health district in which a violation has occurred or is occurring or the director determines that any person has violated or is violating this chapter, a rule adopted under it, or a term or condition of a permit, license, or order issued under it, the board or the director may request in writing that the attorney general, the prosecuting attorney of the county, or the city director of law where the violation has occurred or is occurring bring an action for civil penalties in any court of competent jurisdiction. Such an action shall have precedence over all other cases.	No.		Rely on statute
The court may impose upon the person a civil penalty of not more than ten thousand dollars for each day of each violation of this chapter, a rule adopted under it, or a term or condition of a permit, license, or order issued under it. Moneys resulting from civil penalties imposed by an action brought at the request of the board of health shall be credited to the special fund of the health district created in <i>section 3714.07 of the Revised Code</i> . Moneys resulting from civil penalties imposed by an action brought at the request of the director shall be credited to the hazardous waste clean-up fund created in <i>section 3734.28 of the Revised Code</i> . Any action under this division is a civil action, governed by the Rules of Civil Procedure.	No.		Rely on statute
(C) The director and board of health, within their respective territorial jurisdictions, may, upon their own initiative, investigate or make inquiries regarding the disposal of construction and demolition debris.	No.		Rely on statute
(D) This chapter does not abridge rights of action or remedies in equity, under common law, or as provided by statute or prevent the state or any municipal corporation or person in the exercise of their rights in equity, under common law, or as provided by statute to suppress nuisances or to abate or prevent pollution.	No.		Rely on statute

ORC Section 3714.12 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.12. Orders to abate violation; emergency orders</b>			
(A) The board of health of a health district may make orders in accordance with <i>section 3709.20 or 3709.21 of the Revised Code</i> to a permit or license holder or other person to abate, within a specified, reasonable time, a violation of any section of this chapter, a rule adopted under it, or a term or condition of a permit or license issued under it.	No.		Rely on statute
The director of environmental protection may issue enforcement orders in accordance with Chapter 3745. of the Revised Code to a permit or license holder or other person to abate, within a specified, reasonable time, a violation of any section of this chapter, a rule adopted under it, or a term or condition of a permit or license issued under it.	No.		Rely on statute
(B) If the board of health or the director determines that conditions at a construction and demolition debris facility or other location where construction and demolition debris is being disposed of are causing or threatening to cause an imminent and substantial threat to public health or safety or the environment or an imminent and substantial risk of fire and that, due to any of those conditions, an emergency exists requiring immediate action to protect the public health or safety or the environment, the board or the director may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet the emergency. The order shall be effective immediately.	No.		Rely on statute
Any person to whom such an order is directed shall comply immediately, but on application to the director or the board of health, as appropriate, shall be afforded a hearing as soon as possible, but not later than thirty days after application. On the basis of the hearing, the director or the board of health shall continue the order in effect or revoke or modify it. No emergency order shall remain in effect for more than ninety days after its issuance.	No.		Rely on statute

ORC Section 3714.13 (amended by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site</b>			
(A) No person shall violate any section of this chapter.	No.		Rely on statute
(B) No person shall violate a rule adopted under this chapter.	No.		Rely on statute
(C) No person shall violate an order issued under this chapter. Violation of an order issued by a board of health under this chapter is not also a violation of <i>section 3709.20 or 3709.21 of the Revised Code</i> , whichever is applicable.	No.		Rely on statute
(D) No person who holds a permit or license issued under this chapter shall violate any of the terms or conditions of the permit or license.	No.		Rely on statute
(E) No owner or operator of a construction or demolition debris facility shall dispose of asbestos or regulated asbestos-containing materials or products at the facility unless the owner or operator is specifically authorized to do so by the board of health of the health district in which the facility is located, or by the director, pursuant to rules adopted under division (D) of <i>section 3714.02 of the Revised Code</i> .	No.	400-11	520-600(A)(2); 501-25(B)
(F) No person shall knowingly place or cause to be placed any reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans as fill material on or in any land owned, leased, or controlled by the person, other than on the site where the materials were so generated or removed, without providing written notice to the board of health of the health district in which the land is located or, if the health district is not on the approved list under <i>section 3714.09 of the Revised Code</i> , to the director of environmental protection at least seven days prior to the first placement of any such materials as fill material at the off-site location.	No.	400-05(C)	N/A relying on 400-05

ORC Section 3714.20 (enacted by HB 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.20. Database or databases of public information</b>			
The director of environmental protection shall establish and maintain a database or databases composed of public information, including, but not limited to,	enacted by HB 397		Rely on statute
the record made under <i>section 3714.08 of the Revised Code</i> of inspection of each construction and demolition debris facility,	enacted by HB 397		Rely on statute
information from the annual survey of each health district made under <i>section 3714.09 or 3734.08 of the Revised Code</i> , as applicable,	enacted by HB 397		Rely on statute
and ground water and leachate data collected in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397		Rely on statute
The database or databases shall be stored in such a manner that they are easily available for sharing with health districts and all other interested persons.	enacted by HB 397		Rely on statute

ORC Section 3714.99 (not amended by HBs 432, 66, or 397)	Affected by Legislation (more than LSC formatting)?	Where in 3745-400 (eff. 2002)?	Where in current draft rules?
<b>3714.99. Penalty</b>			
Whoever knowingly violates <i>section 3714.13 of the Revised Code</i> is guilty of a misdemeanor of the second degree. Each day of violation is a separate offense.	No.		Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.01 Definitions	(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	No.	500-02
3714.01 Definitions	(B) "Closure" means either the time at which a construction and demolition debris facility will no longer accept construction and demolition debris for disposal or the effective date of an order revoking the license of the facility. "Closure" includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including, without limitation, the establishment and maintenance of suitable cover of soil and vegetation over areas where construction and demolition debris is buried and the minimization of erosion, the infiltration of surface water into such areas, the production of leachate, and the accumulation and runoff of contaminated surface water.	No.	520-02
3714.01 Definitions	(C) "Construction and demolition debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. "Construction and demolition debris" includes particles and dust created during demolition activities. "Construction and demolition debris" does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.	amended by HB 432	500-02
3714.01 Definitions	(D) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any construction and demolition debris into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage.	No.	500-02
3714.01 Definitions	(E) "Facility" means any site, location, tract of land, installation, or building used for the disposal of construction and demolition debris. "Facility" does not include any construction site where construction debris and trees and brush removed in clearing the construction site are used as fill material on the site where the materials are generated or removed and does not include any site where materials composed exclusively of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes or to bring the site up to a consistent grade.	No.	520-02 with reference to 500-02
3714.01 Definitions	(F) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.	No.	500-02
3714.01 Definitions	(G) "New construction and demolition debris facility" or "new facility" includes an existing facility that is proposing to expand the facility beyond the limits of construction and demolition debris placement approved by a board of health or the director of environmental protection, as applicable, under this chapter.*	enacted by HB 397	520-02
3714.01 Definitions	(H) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under section 1.59 of the Revised Code.	No.	500-02
3714.01 Definitions	(I) "Pulverized debris" means a load of debris that, after demolition has occurred, but prior to acceptance of the load of debris for disposal, has been shredded, crushed, ground, or otherwise rendered to such an extent that the load of debris is unidentifiable as construction and demolition debris.	enacted by HB 397	520-02

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.01 Definitions	(J) "Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has at least five years of relevant experience in ground water hydrogeology and related fields that enable that individual to make sound professional judgments regarding ground water monitoring, contaminant fate and transport, and corrective measures.	enacted by HB 397	500-02
3714.01 Definitions	(K) "Storage" means the holding of construction and demolition debris for a temporary period in such a manner that it remains retrievable and substantially unchanged and, at the end of the period, is disposed of or reused or recycled in a beneficial manner.	No.	520-02
3714.01 Definitions	(L) "Transfer facility" means a site, location, tract of land, installation, or building that is primarily used or intended to be used for the purpose of transferring construction and demolition debris that was generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a construction and demolition debris facility.	enacted by HB 397	520-02: The definition of "transfer facility" can be found under "construction and demolition debris transfer facility."
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The director of environmental protection shall adopt, and may amend and rescind, rules governing construction and demolition debris facilities and the inspection of and issuance of permits to install and licenses for those facilities.	amended by HB 397	*Permits: 520-300s; Licenses: 520-400s, 3745-501; see 3714.08(C) for inspection
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall ensure that the facilities will not create a nuisance, fire hazard, or health hazard or cause or contribute to air or water pollution. The rules shall establish all of the following:	No.	*Hydrogen sulfide: 520-480 & 520-680; Liner: 520-230; Cap: 520-260; Fire: 520-470, 520-670, & 520-675; Leachate management system: 520-240; Leachate recirculation: 520-654; Ground water monitoring: 3745-506
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(A) Standards and procedures for the issuance of permits to install under section 3714.051 that shall include all of the following:	enacted by HB 397	520-300s
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(1) Information that must be included in the designs and plans required to be submitted with the application for a permit to install under section 3714.051 [3714.05.1] of the Revised Code	enacted by HB 397	520-300 and 520-302

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	and criteria for approving, disapproving, or requiring modification of the designs and plans;	enacted by HB 397	Criteria: 520-312; Modification: 520-330 & 520-335
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(2) Information that must be included with an application for a permit to install in addition to the information required under section 3714.051 [3714.05.1] of the Revised Code;	enacted by HB 397	520-300 & 520-302
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(3) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install;	enacted by HB 397	Issuance/denial: 520-310; Modification: 520-330 & 520-335; Transfer: 520-340; Suspension: 520-350; Revocation: 520-360
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(4) Grounds for the denial, modification, suspension, or revocation of permits to install;	enacted by HB 397	Denial: 520-312; Modification: 520-330; Suspension: 520-350; Revocation: 520-360
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(5) A requirement that a person that is required to obtain both a permit to install under section 3714.051 [3714.05.1] of the Revised Code and a license under section 3714.06 of the Revised Code obtain both the permit and license prior to operation;	enacted by HB 397	520-03(B); 520-03(E)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(6) Criteria for establishing time periods after which a permit to install expires;	enacted by HB 397	520-370
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(7) Any other requirements that the director determines necessary in order to establish the program for the issuance of permits to install under section 3714.051 [3714.05.1] of the Revised Code.	enacted by HB 397	520-380 (Administrative changes to a PTI.), for example; 520-320 (Alterations)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(B) Standards for the design and construction of facilities. The standards may include, without limitation, requirements for diking around the areas where debris is buried to prevent runoff of surface water onto adjacent property.	No.	520-200s and 520-500s. This includes leachate recirculation, liner, cap, surface water management system, and vegetated earthen berm requirements; 3745-510: This includes site investigation and geotechnical stability analysis. 3745-511 and 3745-512 include additional design and construction requirements for engineered components.
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(C) Standards for control over access to facilities and for the operation of facilities, including, without limitation, standards for the compaction and covering of debris disposed of and standards regarding equipment used for the operation of facilities;	No.	520-600s
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(D) Criteria and procedures for granting authorization to the owner or operator of a facility to dispose of asbestos or asbestos-containing materials or products at the owner's or operator's facility;	No.	520-400(A)(4); 501-25
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(E) Requirements for the installation of ground water monitoring wells and the monitoring of ground water quality at any facility where the operation of the facility threatens to contaminate ground water.	No.	520-06 (Applicability rule that directs O/O to 3745-506). 520-300(C)(10) and 3745-510: This includes site investigation, which is needed in order to design a ground water monitoring system.
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall require that ground water monitoring be capable of determining impacts resulting from the operation of construction and demolition debris facilities.	enacted by HB 397	520-06; Chapter 3745-506; 506-50(B) (program shall be capable of determining impacts); 506-100 (monitoring system); 506-400 (detection monitoring)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules also shall include provisions for ground water assessment and corrective actions for impacts to ground water.	enacted by HB 397	506-500 (assessment); 506-600 (corrective actions)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	Further, the rules shall require that the owner or operator of a construction and demolition debris facility submit a monitoring report to the director or a board of health, as applicable, that has been prepared by a qualified ground water scientist and that includes all of the following:	enacted by HB 397	506-520
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(1) A determination of any impacts to ground water from the migration of contaminants from the construction and demolition debris facility;	enacted by HB 397	506-520
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(2) A list of the contaminants from the facility that may be causing contamination of ground water;	enacted by HB 397	506-520
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(3) Recommendations for actions, if any are necessary, that should be taken to investigate or remediate the source of any ground water contamination.	enacted by HB 397	506-520; 506-600
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(F) Requirements for the monitoring and sampling of leachate. The rules adopted under division (F) of this section shall include all of the following:	enacted by HB 397	520-660
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(1) A requirement that the owner or operator of a construction and demolition debris facility provide for sampling of leachate at least annually.	enacted by HB 397	520-660(B)(1)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	However, the rules shall require that if leachate is recirculated through a facility, the leachate be sampled at least every calendar quarter.	enacted by HB 397	520-660 (B)(2)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(2) A requirement that the owner or operator of a facility sample for at least seventy-seven parameters that the director shall establish in the rules, which shall include arsenic, copper, and chromium;	enacted by HB 397	520-660(E)(1); 506-703
and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(3) Requirements governing facilities that do not have a system for sampling leachate. The rules shall require that the owner or operator of such a facility monitor ground water in accordance with the rules adopted under division (E) of this section for the parameters established in the rules adopted under division (F)(2) of this section.	enacted by HB 397	506-700; 506-701; 506-702; 506-703
and demolition debris facilities; closure and post-closure care of facilities;	(4) A requirement that a facility that monitors ground water and leachate add to the parameters monitored by the ground water monitoring system any parameter that is detected through the monitoring of leachate;	enacted by HB 397	506-700; 506-701; 506-702; 506-703
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(5) Requirements governing the reporting of leachate sampling data. The rules shall require that reports be submitted to the director and the applicable board of health.	enacted by HB 397	520-660(F)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(G) Requirements respecting written, narrative plans for the operation of facilities.	No.	520-402
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall require the owner or operator of a facility to use best management practices.	enacted by HB 397	520-402
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	In addition, the rules shall require as a part of the plan of operation of a facility the inclusion of the contingency plans required in rules adopted under division (H) of this section.	enacted by HB 397	520-402

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(H) Requirements respecting contingency plans for effective action in response to fire or explosion at a facility	No.	520-402(D); 520-470
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	or to hydrogen sulfide or other gases created by the operation of a facility that pose a nuisance, cause an offensive odor, or pose a threat to public health or safety or the environment;	enacted by HB 397	520-402(E); 520-480
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(I) Financial assurance requirements for the closure and post-closure care of facilities as follows:	amended by HB 397	520-900s
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(1) The rules establishing the financial assurance requirements for the closure of facilities shall require that the owner or operator of a facility, before being issued an initial license for the facility under section 3714.06 of the Revised Code, submit a surety bond, a letter of credit, or other acceptable financial assurance, as specified by the director in the rules, in an amount determined by the director or the appropriate board of health, as applicable.	amended by HB 397	501-15(A)(8); 520-400 (A)(2)(f); 520-900s
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall include a list of the activities for which financial assurance may be required.	enacted by HB 397	Closure: 520-905(A)(1) w/ reference to 520-710 - - Post-closure: 520-910(A) w/ reference to 520-750
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall allow the director or board of health, as applicable, to adjust the amount of a surety bond, a letter of credit, or other acceptable financial assurance in conjunction with the issuance of an annual license. However, the rules shall require that the amount of a surety bond, letter of credit, or other acceptable financial assurance for the closure of a facility be not less than thirteen thousand dollars per acre of land that has been or is being used for the disposal of construction and demolition debris.	enacted by HB 397	520-905(B)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall require an explanation of the rationale for financial assurance amounts exceeding thirteen thousand dollars per acre.	enacted by HB 397	520-905(B)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(2) The rules establishing the financial assurance requirements for the post-closure care of facilities shall address the maintenance of the facility, continuation of any required monitoring systems, and performance and maintenance of any specific requirements established in rules adopted under division (K) of this section or through a permit, license, or order of the director.	enacted by HB 397	Post-closure: 520-910(A) w/ reference to 520-750
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules also shall allow the director or board of health, as applicable, to determine the amount of a surety bond, a letter of credit, or other acceptable financial assurance for the post-closure care of a facility based on a required cost estimate for the post-closure care of the facility.	enacted by HB 397	520-910(B)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules shall require that the owner or operator of a facility provide post-closure financial assurance for a period of five years after the closure of a facility. However, the rules shall stipulate that post-closure care financial assurance may be extended beyond the five-year period if the extension of the post-closure care period is required under rules adopted under division (K) of this section.	enacted by HB 397	520-700(C)(10); 520-750(B); 520-755 (B)(5); 520-910(C); 520-910(M); 520-910(N)
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(J) Requirements for the closure of facilities. The requirements shall include minimum requirements for the closure of facilities and such additional requirements as are reasonably related to the location of the facility and the type and quantity of materials disposed of in the facility. The rules shall require that an owner or operator of a facility, upon the closure of the facility, file in the office of the county recorder of the county in which the facility is located a notice that the property was previously used as a construction and demolition debris facility. The rules shall require that the notice be filed in the same manner as a deed to the property. The rules shall require that the notice include an engineering drawing attachment showing the physical locations of debris placement, an indication of the volumes of debris, and an indication of the depth of the final cover material.	amended by HB 397	520-700; 520-710; 520-720
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(K) Requirements for the post-closure care of facilities for a period of five years after the closure of a facility. However, the rules shall require that the post-closure care period may be extended by order of the applicable board of health, the director, or a court of competent jurisdiction if conditions at a facility are impacting public health or safety or the environment or if ground water assessment and corrective measures are required to be conducted at the facility under rules adopted under division (E) of this section. This division does not limit the authority of the director, a board of health, or a court of competent jurisdiction to issue an order under any other applicable chapter of the Revised Code. The rules adopted under this division shall specify both of the following:	enacted by HB 397	520-750; 520-755; 520-760
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(1) With respect to a facility that permanently ceases acceptance of construction and demolition debris in calendar year 2006, the post-closure care and post-closure care financial assurance requirements do not apply, provided that the owner or operator of the facility gives written notice of the date of the cessation to the applicable board of health or the director, the owner or operator of the facility does not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the applicable board of health, the director, or a court of competent jurisdiction governing the post-closure care of and post-closure financial assurance for that facility prior to the date specified in the written notice.	enacted by HB 397	To be promulgated at a later date

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(2) With respect to a facility that permanently ceases acceptance of construction and demolition debris in calendar year 2007, the required period of time for post-closure care and post-closure care financial assurance shall be one year after the closure of the facility, provided that the owner or operator of the facility gives written notice of the date of the cessation to the applicable board of health or the director, the owner or operator does not submit a subsequent application for a license renewal for the facility after that cessation, and no order was issued by the applicable board of health, the director, or a court of competent jurisdiction governing the post-closure care of and post closure financial assurance for that facility prior to the date specified in the written notice.	enacted by HB 397	To be promulgated at a later date
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(L) Standards and procedures governing the modification of operation licenses issued under section 3714.06 of the Revised Code;	enacted by HB 397	520-410; 501-30
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(M) Procedures and requirements governing the certification of construction and demolition debris by transfer facilities as required under section 3714.082 [3714.08.2] of the Revised Code;	enacted by HB 397	520-690
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(N) Requirements governing the provision of notification under section 3714.083 [3714.08.3] of the Revised Code by owners and operators of construction and demolition debris facilities of rejected loads and by transporters and shippers of the final disposition of rejected loads;	enacted by HB 397	520-630; 520-632; 520-634; 520-640
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(O) Requirements governing the certification and training of operators of construction and demolition debris facilities as required under section 3714.062 [3714.06.2] of the Revised Code;	enacted by HB 397	To be promulgated at a later date: Operator Certification rules*
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	(P) Definitions of "owner" and "operator" for purposes of this chapter.	enacted by HB 397	500-02
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	The rules adopted under this section shall not prohibit the open burning of construction debris on a construction site in compliance with division (C)(1) of section 3704.11 of the Revised Code.	No.	520-04(B)(3)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	Rules adopted under divisions (E) and (F) of this section apply to all new construction and demolition debris facilities for which a permit to install is required under section 3714.051[3714.05.1] of the Revised Code on and after the effective date of this amendment.	enacted by HB 397	520-03; 520-06; 520-660
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	With respect to a facility that is licensed under section 3714.06 of the Revised Code and operating on the effective date of this amendment: if the facility does not have a ground water monitoring or leachate monitoring system, the facility is not required to comply with rules adopted under division (E) or (F) of this section;	enacted by HB 397	N/A*
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	if the facility has a ground water monitoring system, but not a leachate monitoring system, the facility shall comply only with rules adopted under divisions (E) and (F)(3) of this section;	enacted by HB 397	N/A*
3714.02. Rules governing construction and demolition debris facilities; closure and post-closure care of facilities; exception for authorized open burning	and if the facility has a leachate monitoring system, but not a ground water monitoring system, the facility shall comply only with rules adopted under division (F) of this section.	enacted by HB 397	N/A*
* These sections of the Revised Code will not apply to facilities needing to obtain a permit, therefore this language will be promulgated for license-only facilities into Chapter 3745-400 of the Administrative Code at a later date.			
3714.021. Duty to remove solid wastes from debris prior to disposal on working face of facility	(A) As used in this section, "working face" means the portion of a construction and demolition debris facility where construction and demolition debris is placed for final disposal.	enacted by HB 432	520-02
3714.021. Duty to remove solid wastes from debris prior to disposal on working face of facility	(B) The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. Except as otherwise provided in this division, the existence of solid wastes on the working face of a construction and demolition debris facility does not constitute a violation of this chapter and rules adopted under it if both of the following apply:	enacted by HB 432	520-630(B)(5)
3714.021. Duty to remove solid wastes from debris prior to disposal on working face of facility	(1) The wastes constitute not more than two cubic yards per one thousand cubic yards of construction and demolition debris or four cubic yards per one thousand tons of construction and demolition debris disposed of at the construction and demolition debris facility based on the amount of construction and demolition debris disposed of at the facility on the preceding full business day as determined by using the amount of disposal fees collected under <i>section 3714.07 of the Revised Code</i> for wastes disposed of at the facility on that preceding full business day.	enacted by HB 432	520-630(B)(5)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.021. Duty to remove solid wastes from debris prior to disposal on working face of facility	(2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility. The existence of solid wastes on the working face of a construction and demolition debris facility that is located within the boundaries of a sole source aquifer as described in division (B) of <i>section 3714.03 of the Revised Code</i> constitutes a violation of this chapter and rules adopted under it.	enacted by HB 432	520-630(B)(5)
3714.021. Duty to remove solid wastes from debris prior to disposal on working face of facility	(C) The board of health of the health district in which a construction and demolition debris facility is located, the director of environmental protection, or an authorized representative of either shall request the removal of specific, visible solid wastes that are located on the working face of a construction and demolition debris facility, and the owner or operator or the employees of the facility shall remove those solid wastes.	enacted by HB 432	520-630(B)(5)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(A) As used in this section: (1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.	enacted by HB 397	500-02
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(A)(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.	enacted by HB 397	520-02
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(A)(3) "Natural area" means either of the following:	enacted by HB 397	520-02
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under <i>section 1517.14 of the Revised Code</i> ;	enacted by HB 397	520-02
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.	enacted by HB 397	520-02
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in <i>section 5104.01 of the Revised Code</i> , a child day-care center as defined in that section, a hospital as defined in <i>section 3727.01 of the Revised Code</i> , a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.	enacted by HB 397	520-02

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.	enacted by HB 397	500-02
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:	amended by HB 397	520-312 (A)(7)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, <i>42 U.S.C.A. 4001</i> , as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with <i>section 3714.04 of the Revised Code</i> . If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit based upon standard methodologies set forth in "urban hydrology for small watersheds" (soil conservation service technical release number 55) and section 4 of the "national engineering hydrology handbook" of the soil conservation service of the United States department of agriculture.	amended by HB 397	520-100(B)(1)(a)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(2) Within the boundaries of a sole source aquifer designated by the administrator of the United States environmental protection agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), <i>42 U.S.C.A. 300f</i> , as amended.	No.	520-100(B)(1)(b)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(C) Neither the director nor any board shall issue a permit to install under section 3714.051 [3714.05.1] of the Revised Code to establish a new construction and demolition debris facility when the horizontal limits of construction and demolition debris placement at the new facility are proposed to be located in any of the following locations:	enacted by HB 397	520-312(A)(7)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(1) Within one hundred feet of a perennial stream as defined by the United States geological survey seven and one-half minute quadrangle map or a category 3 wetland;	enacted by HB 397	520-100(B)(2)(a)(i) and (ii)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(2) Within one hundred feet of the facility's property line;	enacted by HB 397	520-100(B)(2)(a)(iii)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(3) (a) Except as provided in division (C)(3)(b) of this section, within five hundred feet of a residential or public water supply well.	enacted by HB 397	520-100(B)(2)(b)(iv)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(b) Division (C)(3)(a) of this section does not apply to a residential well under any of the circumstances specified in divisions (C)(3)(b)(i) to (iii) of this section as follows:	enacted by HB 397	520-100(B)(2)(b)(iv)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(i) The well is controlled by the owner or operator of the construction and demolition debris facility.	enacted by HB 397	520-100(B)(2)(b)(iv)(a)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement.	enacted by HB 397	520-100(B)(2)(b)(iv)(b)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.	enacted by HB 397	520-100(B)(2)(b)(iv)(c)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(4) Within five hundred feet of a park created or operated pursuant to <i>section 301.26, 511.18, 755.08, 1545.04, or 1545.041 [1545.04.1] of the Revised Code</i> , a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under <i>section 1541.02 of the Revised Code</i> , a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;	enacted by HB 397	520-100(B)(2)(b)(i)*
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under <i>section 1517.05 of the Revised Code</i> , or any area designated by the United States department of the interior as a national wildlife refuge;	enacted by HB 397	520-100(B)(2)(b)(i)*
* The statutory language in these sections was incorporated into the definitions of these terms. See 520-02.			
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.	enacted by HB 397	520-100(B)(2)(b)(iii)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;	enacted by HB 397	520-100(B)(2)(b)(ii)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(8) Within five hundred feet of land that is placed on the state registry of historic landmarks under <i>section 149.55 of the Revised Code</i> ;	enacted by HB 397	520-100(B)(2)(b)(v)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(9) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.	enacted by HB 397	520-100(B)(2)(b)(vi)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(D) Neither the director nor any board shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of $1 \times 10^{-5}$ cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than $1 \times 10^{-6}$ cm/sec.	enacted by HB 397	520-312(A)(7); 520-100(B)(3)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(E) Neither the director nor any board shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.	enacted by HB 397	520-312(A)(7); 520-100(B)(4)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(F) Neither the director nor any board shall issue a permit to install under <i>section 3714.051 [3714.05.1] of the Revised Code</i> to establish a new construction and demolition debris facility unless the new facility will have all of the following:	enacted by HB 397	520-312
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;	enacted by HB 397	520-312(A)(8)
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(2) Surface water drainage and sediment controls that are required by the director;	enacted by HB 397	520-312(A)(6); 520-280
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(3) If the facility is proposed to be located in an area in which an applicable zoning resolution allows residential construction, vegetated earthen berms or an equivalent barrier with a minimum height of six feet separating the facility from adjoining property.	enacted by HB 397	520-312(A)(6); 520-200(B)(6); 520-225
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(G) (1) The siting criteria established in this section shall be applied to an application for a permit to install at the time that the application is submitted to the director or a board of health, as applicable. Circumstances related to the siting criteria that change after the application is submitted shall not be considered in approving or disapproving the application.	enacted by HB 397	520-312(A)(7)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.03. Locations where new facility may not be licensed; additional requirements and siting criteria for permit	(2) The siting criteria established in this section by this amendment do not apply to an expansion of a construction and demolition debris facility that was in operation prior to the effective date of this amendment onto property within the property boundaries identified in the application for the initial license for that facility or any subsequent license issued for that facility up to and including the license issued for that facility for calendar year 2005. The siting criteria established in this section prior to the effective date of this amendment apply to such an expansion.	enacted by HB 397	520-100(A); 520-312(A)(7)
3714.04. Exemption where disposal of debris is unlikely to have adverse effects; notice to director of EPA of intention to grant exemption; written comment by director	(A) Subject to division (B) of this section, the director of environmental protection or the board of health having territorial jurisdiction may by order exempt any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such circumstances that, in the determination of the director or board of health, are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, from any provision of this chapter or a rule adopted or order issued under it, other than division (B)(2) of section 3714.03 or division (E) of <i>section 3714.13 of the Revised Code</i> .	No.	520-20
3714.04. Exemption where disposal of debris is unlikely to have adverse effects; notice to director of EPA of intention to grant exemption; written comment by director	Neither the director nor any board of health shall grant an exemption under this section from division (B)(1) of <i>section 3714.03 of the Revised Code</i> if the director or board finds from the permit to install application that the establishment of a new construction or demolition debris facility in the one-hundred-year flood plain of a watercourse would result in an increase of more than one foot in the elevation of the flood stage of the watercourse upstream or downstream from the proposed facility. The applicant for a permit to install shall determine the increase in the flood stage resulting from the location of the proposed facility within the one-hundred-year flood plain of a watercourse based upon standard methodologies set forth in "Urban Hydrology for Small Watersheds" (soil conservation service Technical Release Number 55) and section 4 of the "National Engineering Hydrology Handbook" of the soil conservation service of the United States department of agriculture.	amended by HB 397	520-20
3714.04. Exemption where disposal of debris is unlikely to have adverse effects; notice to director of EPA of intention to grant exemption; written comment by director	(B) Except in the event of a natural disaster or public health emergency declared by the governor or the director of health, before a board of health issues an order that exempts a person disposing of or proposing to dispose of construction and demolition debris as provided in division (A) of this section, the board shall provide written notice to the director of environmental protection of the board's intention to grant an exemption under that division. The notice shall contain a description of the facts surrounding the proposed exemption and any other information that the director may request. Not later than thirty days after receipt of the notice, the director shall provide written comment to the board of health regarding the proposed exemption. The written comment shall be considered by the board of health prior to the board's issuance of an order granting the exemption.	enacted by HB 397	520-20
3714.05. Inspection, licensing of facilities; enforcement of standards	The board of health of each health district maintaining a program on the approved list under <i>section 3714.09 of the Revised Code</i> shall provide for the issuance of permits to install for and the inspection of, licensing of, and enforcement of standards governing construction and demolition debris facilities under this chapter and rules adopted under it.	amended by HB 397	500-02; definitions of licensing authority and permitting authority
3714.05. Inspection, licensing of facilities; enforcement of standards	The director of environmental protection shall provide for the issuance of permits to install for construction and demolition debris facilities, the inspection and licensing of facilities, and the enforcement of standards in health districts that are not on the approved list under that section and may provide for the inspection of the facilities and enforcement of standards in health districts that are on the approved list under that section.	amended by HB 397	500-02; definitions of licensing authority and permitting authority
3714.05. Inspection, licensing of facilities; enforcement of standards	Further, the director may provide for the issuance of permits to install in a health district on the approved list if so requested by the applicable board of health under <i>section 3714.051 [3714.05.1] of the Revised Code</i> .	enacted by HB 397	500-02; definition of permitting authority

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.051. Program for issuance of permits to install for new facilities	(A) (1) Not later than one hundred eighty days after the effective date of this section and in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> , the director of environmental protection shall establish a program for the issuance of permits to install for new construction and demolition debris facilities.	enacted by HB 397	520-03; 520-300s
3714.051. Program for issuance of permits to install for new facilities	(2) On and after the effective date of this section, no person shall establish a new construction and demolition debris facility without first obtaining a permit to install issued by the board of health of the health district in which the facility is or is to be located or from the director if the facility is or is to be located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> or if a board of health requests the director to issue the permit to install under division (G) of this section.	enacted by HB 397	520-03; 500-02 definition of permitting authority
3714.051. Program for issuance of permits to install for new facilities	(B) The director, the director's authorized representative, a board of health, or an authorized representative of the board may assist an applicant for a permit to install during the permitting process by providing guidance and technical assistance.	enacted by HB 397	Rely on statute
3714.051. Program for issuance of permits to install for new facilities	(C) An applicant for a permit to install shall submit an application to a board of health or the director, as applicable, on a form that the director prescribes. The applicant shall include with the application all of the following:	enacted by HB 397	520-300(C); 520-300(C)(1); 520-300(C)(2)
3714.051. Program for issuance of permits to install for new facilities	(1) The name and address of the applicant, of all partners if the applicant is a partnership or of all officers and directors if the applicant is a corporation, and of any other person who has a right to control or in fact controls management of the applicant or the selection of officers, directors, or managers of the applicant;	enacted by HB 397	520-40
3714.051. Program for issuance of permits to install for new facilities	(2) The designs and plans for the construction and demolition debris facility that include the location or proposed location of the facility, design and construction plans and specifications, anticipated beginning and ending dates for work performed, and any other related information that the director requires by rule;	enacted by HB 397	520-300(C)(3);520-300(C)(11); 520-300(C)(15); 520-302; 520-302(C)(7); 520-200s
3714.051. Program for issuance of permits to install for new facilities	(3) The information required under <i>section 3714.052 [3714.05.2] of the Revised Code</i> ;	enacted by HB 397	520-300
3714.051. Program for issuance of permits to install for new facilities	(4) An application fee of two thousand dollars. A board of health shall deposit money collected under division (C)(4) of this section into the special fund of the health district created under <i>section 3714.07 of the Revised Code</i> . The director shall transmit money collected under division (C)(4) of this section to the treasurer of state to be credited to the construction and demolition debris facility oversight fund created in that section. Not later than six months after a facility that is issued a permit to install begins accepting construction and demolition debris for disposal, a board of health or the director, as applicable, shall refund the application fee received under division (C)(4) of this section to the person that submitted the application for the permit to install.	enacted by HB 397	520-300(A)
3714.051. Program for issuance of permits to install for new facilities	(5) Any other information required by the director in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	520-300(C)(15)
3714.051. Program for issuance of permits to install for new facilities	(D) A permit to install may be issued with terms and conditions that a board of health or the director, as applicable, finds necessary to ensure that the facility will comply with this chapter and rules adopted under it and to protect public health and safety and the environment.	enacted by HB 397	Rely on statute
3714.051. Program for issuance of permits to install for new facilities	(E) A permit to install shall expire after a time period specified by the director or board of health, as applicable, in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> unless the applicant has undertaken a continuing program of construction or has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time, in which case the director or board, as applicable, may extend the expiration date of a permit to install upon request of the applicant.	enacted by HB 397	520-370

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.051. Program for issuance of permits to install for new facilities	(F) The director or a board of health, as applicable, may issue, deny, modify, suspend, or revoke a permit to install in accordance with rules.	enacted by HB 397	Issuance/ denial: 520-310; Modification: 520-330 & 520-335; Suspension: 520-350; Revocation: 520-360
3714.051. Program for issuance of permits to install for new facilities	(G) A board of health shall notify the director of its receipt of an application for a permit to install. A board of health, or its authorized representative, may request the director to review an application, or part of an application, for a permit to install and also may request that the director issue or deny it when the board determines that additional expertise is required. The director shall comply with such a request. Upon a board of health's issuance of a permit to install for a new construction and demolition debris facility under this section, the board shall mail a copy of the permit to the director together with approved plans, specifications, and information regarding the facility.	enacted by HB 397	520-310(C); 500-02 for definition of permitting authority; 520-310(F)(2); 500-130
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(A) An application for a permit to install a new construction and demolition debris facility that is submitted under <i>section 3714.051 [3714.05.1] of the Revised Code</i> shall include all of the following:	enacted by HB 397	520-300(C)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(1) A listing of all construction and demolition debris facilities or other waste disposal facilities that the owner or operator of the proposed new construction and demolition debris facility or a key employee of the owner or operator has operated or is operating in this state;	enacted by HB 397	520-300(C)(4) which references the statute
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(2) A listing of the construction and demolition debris facilities or other waste disposal facilities that the owner or operator or a key employee of the owner or operator has operated or is operating elsewhere in the United States together with a listing of the construction and demolition debris facilities or other waste disposal facilities that the owner or operator or a key employee of the owner or operator has operated or is operating outside the United States;	enacted by HB 397	520-300(C)(4) which references the statute
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(3) A listing of all administrative enforcement orders issued to the owner or operator or a key employee of the owner or operator, all civil actions in which the owner or operator or a key employee of the owner or operator was determined by the trier of fact to be liable in damages or was the subject of injunctive relief or another type of civil relief, and all criminal actions in which the owner or operator or a key employee of the owner or operator pleaded guilty or was convicted, during the ten years immediately preceding the submission of the application, in connection with any violation by the owner or operator or a key employee of the owner or operator of an applicable state or federal law pertaining to environmental protection or the environmental laws of another country;	enacted by HB 397	520-300(C)(4) which references the statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(4) A listing of all administrative enforcement orders, civil actions, or criminal actions pending at the time of the submission of the application for a permit to install in connection with a violation of any applicable state or federal law or law of another country pertaining to environmental protection that was alleged to have been committed by the owner or operator or a key employee of the owner or operator. The lists of construction and demolition debris facilities or other waste disposal facilities operated by the owner or operator or a key employee of the owner or operator within or outside this state or outside the United States shall include all such facilities operated by the owner or operator or a key employee of the owner or operator during the ten-year period immediately preceding the submission of the application.	enacted by HB 397	520-300(C)(4) which references the statute
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(B) If the applicant for a permit to install has been involved in any prior activity involving the operation of a construction and demolition debris facility or other waste disposal facility, the director of environmental protection or a board of health, as applicable, may deny the application if the director or board finds from the application, the information submitted under divisions (A)(1) to (4) of this section, pertinent information submitted to the director or board, and other pertinent information obtained by the director or board at the director's or board's discretion that the applicant or any other person listed on the application, in the operation of construction and demolition debris facilities or other waste disposal facilities, has a history of substantial noncompliance with state and federal laws pertaining to environmental protection or the environmental laws of another country that indicates that the applicant lacks sufficient reliability, expertise, and competence to operate the proposed new construction and demolition debris facility in substantial compliance with this chapter and rules adopted under it.	enacted by HB 397	520-312(C)(3)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(C) At the same time that an application for an annual operation license required under <i>section 3714.06 of the Revised Code</i> is submitted, an owner or operator of a construction and demolition debris facility that has submitted the information required under division (A) of this section shall submit to the director or board of health, as applicable, all information required to be submitted under division (A) of this section that has changed or been added since the issuance of the most recent annual operation license for the facility. If, during that period, there have been no changes in or additions to that information, the owner or operator shall submit to the director or board an affidavit stating that there have been no changes in or additions to that information during that time period.	enacted by HB 397	520-400 (A)(5)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	The director or board may revoke the license for the facility if the updated information indicates any of the reasons specified in division (B) of this section for the denial of an application for a permit to install.	enacted by HB 397	501-40(A)(6)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(D) A person to whom the permit to install or the license for a construction and demolition debris facility is proposed to be transferred under division (B) of <i>section 3714.06 of the Revised Code</i> shall submit to the director or a board of health, as applicable, the information that is required to be submitted under division (A) of this section by an applicant for a permit to install not later than one hundred twenty days prior to the proposed acquisition of the facility by the transferee.	enacted by HB 397	Permit 520-340(B)(1); License: 501-35(A)(3)(b)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	The director or board of health may deny the transfer of the permit or license, as applicable, if the information regarding the transferee indicates any of the reasons specified in division (B) of this section for the denial of an application for a permit to install.	enacted by HB 397	Permit: 520-340(C)(2); License: 501-40(B)(4)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(E) When the owner or operator of a facility employs a new key employee, the owner or operator shall submit or shall require the new key employee to submit to the director or a board of health, as applicable, information regarding the new key employee that is required to be submitted under division (A) of this section by an applicant for a permit to install.	enacted by HB 397	520-70
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	The director or board may revoke the permit to install or the license for the facility, as applicable, if the information regarding the new key employee indicates any of the reasons specified in division (B) of this section for the denial of an application for a permit to install.	enacted by HB 397	Permit: 520-360(A)(3); License: 501-40(A)(6)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(F) In lieu of complying with this section, an applicant for a permit to install for, or a proposed transferee of a permit to install or a license for, a construction and demolition debris facility may choose to comply with <i>sections 3734.41 to 3734.47 of the Revised Code</i> . An applicant or transferee that so chooses shall comply with those sections. For purposes of this division, <i>sections 3734.41 to 3734.47 of the Revised Code</i> are deemed to apply to applicants for permits to install for, and proposed transferees of permits to install or licenses for, construction and demolition debris facilities. The director shall provide notice in writing to the applicable board of health that the applicant or proposed transferee has complied with <i>sections 3734.41 to 3734.47 of the Revised Code</i> and has sufficient reliability, expertise, and competence to operate the construction and demolition debris facility in substantial compliance with this chapter and the rules adopted under it.	enacted by HB 397	Application for permit: 520-300(C)(4); Permit transfer: 520-340(B)(3); License transfer: 501-35(A)(3)(b)
3714.052. Contents of application for permit; denial based on history of substantial noncompliance; information to be submitted with application for annual license; transfer of permit or license; new key employee information	(G) As used in this section, "key employee" means an individual employed by an applicant for a permit to install for, or by the proposed transferee of a permit to install or license for, a construction and demolition debris facility in a supervisory capacity or who is empowered to make discretionary decisions with respect to the construction and demolition debris operations of the applicant or transferee, but does not include an employee who is exclusively engaged in the physical or mechanical collection, transfer, transportation, storage, or disposal of construction and demolition debris. If the applicant or transferee has entered into a contract with another person to operate the facility that is the subject of the application or transfer, "key employee" includes an employee of the contractor who acts in a supervisory capacity or is empowered to make discretionary decisions with respect to the operation of the facility.	enacted by HB 397	520-02(K)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.053. Public hearing on application for permit to install	Not later than sixty days after the director of environmental protection or a board of health, as applicable, receives an application for a permit to install a new construction and demolition debris facility, the applicant shall hold a public hearing in the township or municipal corporation in which the facility or proposed facility is or is to be located.	enacted by HB 397	520-304
3714.053. Public hearing on application for permit to install	At least thirty days prior to the public hearing, the applicant shall provide notice of the time, day, and location of the public hearing in a newspaper of general circulation in the locality of the facility or proposed facility and shall mail a copy of the notice to the director or the board of health, whichever is applicable.	enacted by HB 397	520-304
3714.053. Public hearing on application for permit to install	Further, at least thirty days prior to the public hearing, the applicant shall provide notification of the public hearing by certified mail to the owner of each parcel of real property that is adjacent to the facility or proposed facility.	enacted by HB 397	520-304
3714.06. Annual operation license; transfer; modification	(A) No person shall operate or maintain a construction and demolition debris facility without an annual construction and demolition debris facility operation license issued by the board of health of the health district in which the facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , from the director of environmental protection.	amended by HB 397	520-03(E); 501-05(A)
3714.06. Annual operation license; transfer; modification	Any such license may be issued with such terms and conditions as the board or the director, as appropriate, finds necessary to ensure that the facility will comply with this chapter and the rules adopted under it and to protect the public health and safety and the environment.	No.	501-20(C)(5)
3714.06. Annual operation license; transfer; modification	Licenses issued under this section expire annually on the thirty-first day of December.	No.	501-05(D)
3714.06. Annual operation license; transfer; modification	(B) During the month of December, but before the first day of January of the next year, each person proposing to continue with operation of a construction and demolition debris facility shall procure a license for the facility for that year from the board of health of the health district in which the facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , from the director.	No.	501-10
3714.06. Annual operation license; transfer; modification	The application for a license shall be submitted to the board of health or the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought.	No.	501-10(B)(4)(a)(ii)
3714.06. Annual operation license; transfer; modification	An application for a license for a new facility shall be submitted prior to operation of the new facility. The license shall be valid until the time that the next annual license is required to be obtained for the facility under this section.	enacted by HB 397	520-03(E); 501-05(D)
3714.06. Annual operation license; transfer; modification	A person who has received a license, upon sale or disposition of the facility, may, with the approval of the board or the director, as appropriate, have the license as well as a permit to install for the facility transferred to another person. The board or director may disapprove the transfer of the permit or license, as applicable, for any of the reasons specified in division (B) of <i>section 3714.052 [3714.05.2] of the Revised Code</i> for the denial of an application for a permit to install.	amended by HB 397	License - 501-35; Permit - 520-340
3714.06. Annual operation license; transfer; modification	(C) Upon issuance of a license by a board of health under this section, the board shall mail a copy of the license to the director together with a copy of the plans for the operation of the facility or any necessary plan updates, as applicable, that are required under <i>section 3714.061 [3714.06.1] of the Revised Code</i> .	amended by HB 397	501-20; 500-130
3714.06. Annual operation license; transfer; modification	(D) A license issued under this section may be modified in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	520-03(F); 501-30; 500-120

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.061. Plans for operation to be submitted with application for license; contingency plans furnished to fire department	(A) A person who submits an application under <i>section 3714.06 of the Revised Code</i> for a license to operate a construction and demolition debris facility shall submit with the application the plans for the operation of the facility that are required in rules adopted under division (G) of <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	520-400(A)(7); 501-10(A)(3)
3714.061. Plans for operation to be submitted with application for license; contingency plans furnished to fire department	In addition, the owner or operator of the facility shall submit any necessary updates to the plans for the operation of the facility as required in rules adopted under that division when submitting an application under <i>section 3714.06 of the Revised Code</i> for an annual license for the continued operation of the facility. The plans for the operation of the facility shall include the contingency plans that are required in rules adopted under division (H) of <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	520-400(A)(7); 520-402(D)&(E)
3714.061. Plans for operation to be submitted with application for license; contingency plans furnished to fire department	(B) A person who submits an application under <i>section 3714.06 of the Revised Code</i> for a license to operate a construction and demolition debris facility shall provide, at the time that the application is submitted, to the fire department that would respond to the facility a copy of the contingency plans that are required in rules adopted under division (H) of <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	520-400(B)(3)
3714.061. Plans for operation to be submitted with application for license; contingency plans furnished to fire department	In addition, the owner or operator of the facility shall submit any necessary updates to the plans as required in rules adopted under that division at the time that the owner or operator submits an application under <i>section 3714.06 of the Revised Code</i> for an annual license for continued operation of the facility.	enacted by HB 397	520-400(A)(7); 501-10(A)(3)
3714.062. Program for certification of operators; continuing education training	(A) The director of environmental protection, in consultation with boards of health and a statewide association representing construction and demolition debris facilities, shall establish a program for the certification of operators of construction and demolition debris facilities and shall establish continuing education training requirements for those operators as part of the certification program.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules
3714.062. Program for certification of operators; continuing education training	(B) The program for the certification of operators, including the continuing education training requirements, shall include instruction in and shall emphasize, at a minimum, both of the following:	enacted by HB 397	To be promulgated at a later date: Operator Certification rules
3714.062. Program for certification of operators; continuing education training	(1) The laws governing construction and demolition debris facilities and disposal of construction and demolition debris;	enacted by HB 397	To be promulgated at a later date: Operator Certification rules
3714.062. Program for certification of operators; continuing education training	(2) Best management practices governing construction and demolition debris facilities and disposal of construction and demolition debris.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules
3714.062. Program for certification of operators; continuing education training	(C) The director shall accredit educational programs and approve statewide associations representing construction and demolition debris facilities to provide continuing education training for operators of construction and demolition debris facilities. The educational programs and associations shall meet the standards established in rules adopted under <i>section 3714.02 of the Revised Code</i> . For purposes of this division, educational programs that are specific to construction and demolition debris facilities and are conducted by the director or the director's authorized representatives are accredited continuing education training programs.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules
3714.062. Program for certification of operators; continuing education training	(D) An operator shall successfully complete a minimum of ten hours of continuing education training each calendar year. No operator shall fail to comply with this division.	enacted by HB 397	To be promulgated at a later date: Operator Certification rules

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(A) (1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code a fee of thirty cents per cubic yard or sixty cents per ton, as applicable.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement.	enacted by HB 432	520-30: Log of operations
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	In estimating the fee based on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and demolition debris to the facility or the cubic yards actually logged for disposal by the owner or operator in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	If basing the fee on tonnage, the owner or operator shall use certified scales to determine the tonnage of construction and demolition debris that is transported to the facility for disposal.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall collect the fee levied under division (A) of this section as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under <i>section 3714.09 of the Revised Code</i> , or for the state.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris received for disposal at the facility and the total amount of money required to be collected on the construction and demolition debris disposed of during that month.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the money required to be collected on the construction and demolition debris disposed of during that month.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(4) Of the money that is collected from a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director not later than forty-five days after the receipt of the money.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The money retained by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce this chapter and rules adopted under it.	enacted by HB 432	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The director shall transmit all money received from the boards of health of health districts under this section and all money from the disposal fee collected by the director under this section to the treasurer of state to be credited to the construction and demolition debris facility oversight fund, which is hereby created in the state treasury. The fund shall be administered by the director, and money credited to the fund shall be used exclusively for the administration and enforcement of this chapter and rules adopted under it.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(B) The board of health of a health district or the director may enter into an agreement with the owner or operator of a construction and demolition debris facility or a solid waste facility for the quarterly payment of the money collected from the disposal fee.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The board of health shall notify the director of any such agreement.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Not later than forty-five days after receipt of the quarterly payment, the board of health shall transmit the amount established in division (A)(4) of this section to the director.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The money retained by the board of health shall be deposited in the special fund of the district as required under that division.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Upon receipt of the money from a board of health, the director shall transmit the money to the treasurer of state to be credited to the construction and demolition debris facility oversight fund.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of <i>section 3734.57 of the Revised Code</i> .	enacted by HB 432	520-51
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , to the director.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money collected from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.	enacted by HB 432	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The legislative authority of a municipal corporation or township may cease collecting money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for prorating the amount of the fee that may be appropriated under this division by a municipal corporation or township in which only a portion of a construction and demolition debris facility is located within the territorial boundaries of the municipal corporation or township.	enacted by HB 397	520-51
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(D) The board of county commissioners of a county in which a construction and demolition debris facility or a solid waste facility is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be paid by the facility under division (A) of this section for the same purposes that a solid waste management district may levy a fee under division (B) of <i>section 3734.57 of the Revised Code</i> .	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The board of county commissioners may appropriate the money from the fee by adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the board of county commissioners shall mail a certified copy of the resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under <i>section 3714.09 of the Revised Code</i> , to the director.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Upon receipt of the copy of the resolution and not later than forty five days after receipt of money collected from the fee, the board of health or the director, as applicable, shall transmit to the treasurer of the county that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the resolution to be paid to that county.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	Money received by a county treasurer under this division shall be paid into the general fund of the county.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	The county treasurer shall maintain separate records of the money received under this division. A board of county commissioners may cease collecting money under this division by repealing the resolution that was adopted under this division.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(E) (1) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if there is no construction and demolition debris facility licensed under this chapter within thirty-five miles of the solid waste facility as determined by a facility's property boundaries.	enacted by HB 432; amended by HB 66	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(2) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.	enacted by HB 432	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(3) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:	enacted by HB 66	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(a) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 66	Rely on statute
3714.07. Fee on disposal of debris at construction and demolition debris facility or solid waste facility	(b) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.	enacted by HB 66	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(A) For the purpose of funding and conducting ground water monitoring at construction and demolition debris facilities by boards of health of health districts that are on the approved list under <i>section 3714.09 of the Revised Code</i> and the director of environmental protection, the director may adopt rules under Chapter 119. of the Revised Code for the purpose of levying a fee of not more than five cents per cubic yard or ten cents per ton on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter. Such a fee shall be in addition to the fee that is levied under <i>section 3714.07 of the Revised Code</i> . If the director adopts rules under this section establishing a fee on the disposal of construction and demolition debris at a construction and demolition debris facility, the rules shall be subject to review every five years by the joint committee on agency rule review.	enacted by HB 432	520-50
3714.071. Additional disposal fee to pay for ground water monitoring	The owner or operator of a construction and demolition debris facility shall collect the fee levied under rules adopted under this section as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under <i>section 3714.09 of the Revised Code</i> , or for the state.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	The owner or operator shall collect and remit the fee in the same manner that the fee levied under <i>section 3714.07 of the Revised Code</i> is collected and remitted.	enacted by HB 432	520-50
3714.071. Additional disposal fee to pay for ground water monitoring	The money collected by a board of health under this section shall be paid into a special fund, which is hereby created in each health district, and used solely to fund and conduct ground water monitoring at construction and demolition debris facilities within the health district as specified in division (B) of this section.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	Of the money that is collected, a board of health shall transmit eighty per cent of the money received from the owner or operator of a facility under this section to the director not later than forty-five days after the receipt of the money.	enacted by HB 432	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.071. Additional disposal fee to pay for ground water monitoring	The director shall transmit all money received under this section to the treasurer of state to be credited to the construction and demolition debris facility ground water monitoring fund, which is hereby created in the state treasury. The director shall administer the fund and shall use money credited to it solely for the purposes specified in division (B) of this section.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(B) A board of health or the director, as applicable, shall conduct ground water monitoring at construction and demolition debris facilities in accordance with this section. In order to conduct the monitoring, the board or director, as applicable, shall pay for the installation of ground water monitoring wells, ground water sampling, and the laboratory analysis of the ground water samples at a construction and demolition debris facility in accordance with either of the following, as applicable:	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(1) If the facility is operating before April 15, 2005, and the facility has not had ground water monitoring wells installed and operating before that date, the board of health or director, as applicable, shall pay the cost of the installation of one or more ground water monitoring wells and the annual sampling and laboratory analysis of the ground water at the facility.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(2) If the facility is operating before April 15, 2005, and the facility has had one or more ground water monitoring wells installed and operating before that date, the board of health or director, as applicable, shall pay the cost of the installation of one or more additional ground water monitoring wells and the annual sampling and laboratory analysis of the ground water at the facility that exceeds the facility's annual cost of ground water monitoring certified under division (C) of this section by the owner or operator of the facility.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	A board of health or the director, as applicable, shall not pay any costs under this section for the installation of ground water monitoring wells, ground water sampling, or the laboratory analysis of ground water samples incurred by a construction and demolition debris facility to comply with rules adopted under <i>section 3714.02 of the Revised Code</i> or a permit to install issued under <i>section 3714.051 [3714.05.1] of the Revised Code</i> .	enacted by HB 397	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(C) For purposes of division (B)(2) of this section, the owner or operator of a construction and demolition debris facility that is operating before April 15, 2005, and that has had ground water monitoring wells installed and has incurred monitoring costs before that date shall retain for three years all documents evidencing the cost of the ground water monitoring.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	If the board or director, as applicable, requests documents evidencing the cost of the ground water monitoring, the owner or operator of the facility shall certify to the board or director, as applicable, the annual cost of ground water monitoring at the facility.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(D) A board of health or the director, as applicable, shall determine the priority of purchases for ground water monitoring and the payment of the costs of conducting monitoring of ground water as provided in division (B) of this section.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	However, a board of health or the director, as applicable, shall not purchase ground water monitoring wells or pay the costs of conducting monitoring of ground water if the applicable fund does not have sufficient money to pay those costs.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	The director shall consult with boards of health to determine the priority of ground water monitoring at construction and demolition debris facilities that are licensed under this chapter.	enacted by HB 432	Rely on statute
3714.071. Additional disposal fee to pay for ground water monitoring	(E) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer this section.	enacted by HB 432	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.071. Additional disposal fee to pay for ground water monitoring	(F) A board of health or the director, as applicable, may enter into contracts for the purpose of conducting ground water monitoring that is required in this section.	enacted by HB 432	Rely on statute
3714.072. Owner or operator to allow ground water monitoring	The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall allow a board of health or the director of environmental protection, as applicable, to conduct ground water monitoring at the facility to detect negative impacts to ground water quality as provided in <i>section 3714.071 [3714.07.1] of the Revised Code</i> unless the director determines that it is unlikely that a negative impact to the public health or the environment would occur due to the physical characteristics of the location of the facility.	enacted by HB 432	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(A) In addition to the fee levied under division (A)(1) of <i>section 3714.07 of the Revised Code</i> , beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code the following fees: (1) A fee of twelve and one-half cents per cubic yard or twenty-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in <i>section 1515.14 of the Revised Code</i> ;	enacted by HB 66	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(2) A fee of thirty seven and one-half cents per cubic yard or seventy-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in <i>section 1502.02 of the Revised Code</i> .	enacted by HB 66	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(B) The owner or operator of a construction and demolition debris facility or a solid waste facility, as a trustee of the state, shall collect the fees levied under this section and remit the money from the fees in the manner that is established in divisions (A)(2) and (3) of <i>section 3714.07 of the Revised Code</i> for the fee that is levied under division (A)(1) of that section and may enter into an agreement for the quarterly payment of the fees in the manner established in division (B) of that section for the quarterly payment of the fee that is levied under division (A)(1) of that section.	enacted by HB 66; amended by HB 397	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(C) The money that is collected from a construction and demolition debris facility or a solid waste facility and remitted to a board of health or the director of environmental protection, as applicable, pursuant to this section shall be transmitted by the board or director to the treasurer of state not later than forty-five days after the receipt of the money to be credited to the soil and water conservation district assistance fund or the recycling and litter prevention fund, as applicable.	enacted by HB 66; amended by HB 397	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(D) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner or operator of the facility chooses to collect fees on the disposal of the construction and demolition debris that are identical to the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.	enacted by HB 66	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:	enacted by HB 66	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 66	Rely on statute
3714.073. Additional fees to fund soil and water conservation district projects and recycling and litter prevention program	(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under <i>section 3714.06 of the Revised Code</i> , but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.	enacted by HB 66	Rely on statute
3714.08. Inspection and investigation of facility	(A) At least annually, the board of health of a health district or the director of environmental protection shall cause each construction and demolition debris facility for which the board or the director, as appropriate, issued a license under <i>section 3714.06 of the Revised Code</i> to be inspected and shall cause a record to be made of each inspection. The board or the director shall require each such facility to be in substantial compliance with this chapter and rules adopted under it.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.08. Inspection and investigation of facility	(B) Within thirty days after the issuance of a license, the board of health shall certify to the director of environmental protection that the construction and demolition debris facility has been inspected and is in substantial compliance with this chapter and rules adopted under it.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.08. Inspection and investigation of facility	Each board of health shall provide the director with such other information as he may require from time to time.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.08. Inspection and investigation of facility	(C) The board of health or its authorized representative and the director or his authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with this chapter and rules adopted under it.	No.	Rely on statute
3714.08. Inspection and investigation of facility	The board of health or its authorized representative or the director or his authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter and rules adopted under it within the court's territorial jurisdiction.	No.	Rely on statute
3714.08. Inspection and investigation of facility	If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health or the director may suspend or revoke the construction and demolition debris facility's license.	No.	501-40(A)(1)
3714.08. Inspection and investigation of facility	(D) If the entry authorized by division (C) of this section is refused or if the inspection or investigation so authorized is refused, hindered, or thwarted by intimidation or otherwise and if the director, the board of health, or authorized representative of either applies for and obtains a search warrant under division (C) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted is liable to the director or board of health for the reasonable costs incurred by either for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the entry, inspection, or investigation was refused, hindered, or thwarted until the search warrant is executed; for the salary, fringe benefits, and travel expenses of the attorney general, prosecuting attorney of the county, or city director of law, or an authorized assistant, incurred in obtaining the search warrant; and for expenses necessarily incurred for the assistance of local law enforcement officers in executing the search warrant.	No.	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.08. Inspection and investigation of facility	In the application for a search warrant, the director or board of health may request and the court, in its order granting the search warrant, may order the owner or operator of the premises to reimburse the director or board of health for such of those costs as the court finds reasonable.	No.	Rely on statute
3714.08. Inspection and investigation of facility	From moneys recovered under this division, the director shall reimburse the attorney general for the costs incurred by him or his authorized assistant in connection with proceedings for obtaining the search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the search warrant, and shall deposit the remainder to the credit of the construction and demolition debris facility oversight fund created in <i>section 3714.07 of the Revised Code</i> .	No.	Rely on statute
3714.08. Inspection and investigation of facility	From moneys recovered under this division, the board of health shall reimburse the prosecuting attorney of the county or the city director of law for the costs incurred by him or his authorized assistant in connection with proceedings for obtaining the search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the search warrant, and shall deposit the remainder of any such moneys to the credit of the special fund of the health district created in <i>section 3714.07 of the Revised Code</i> .	No.	Rely on statute
3714.081. Pulverized debris	(A) A construction and demolition debris facility shall not accept pulverized debris.	enacted by HB 397	520-630
3714.081. Pulverized debris	(B) The board of health of a health district in which a construction and demolition debris facility is located, the director of environmental protection, or an authorized representative of either may request the removal of pulverized debris that has been brought to the construction and demolition debris facility.	enacted by HB 397	520-630
3714.081. Pulverized debris	A board, the director, or an authorized representative of either shall make such a request when the pulverized debris is at the unloading zone of the facility designated under rules adopted under <i>section 3714.02 of the Revised Code</i> and not after the debris has been disposed of on the working face of the facility.	enacted by HB 397	520-630
3714.081. Pulverized debris	Upon the receipt of such a request, the owner or operator of the facility shall comply with <i>section 3714.083 [3714.08.3] of the Revised Code</i> and shall do one of the following:	enacted by HB 397	520-630
3714.081. Pulverized debris	(1) Immediately cause the pulverized debris to be removed from the facility;	enacted by HB 397	520-630
3714.081. Pulverized debris	(2) Store the pulverized debris at a location at the facility where construction and demolition debris is not disposed of for not more than ten days after the receipt of a request to remove the debris from the facility. Not later than the end of the ten-day period, the owner or operator shall cause the pulverized debris to be removed from the facility.	enacted by HB 397	520-630
3714.081. Pulverized debris	(C) As used in this section, "working face" has the same meaning as in <i>section 3714.021 [3714.02.1] of the Revised Code</i> .	enacted by HB 397	520-02(W)(2)
3714.082. Transfer facility certifications	(A) Except as provided in division (B) of this section, a construction and demolition debris facility may request a transfer facility to certify that material that is transferred from the transfer facility to the construction and demolition debris facility is not off-specification material; hazardous waste, solid wastes, or infectious wastes; or low-level radioactive waste whose treatment, recycling, storage, or disposal is governed under division (B) of <i>section 3748.10 of the Revised Code</i> .	enacted by HB 397	520-690
3714.082. Transfer facility certifications	As used in this section, "hazardous waste," "solid wastes," and "infectious wastes" have the same meanings as in <i>section 3734.01 of the Revised Code</i> .	enacted by HB 397	520-690

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.082. Transfer facility certifications	(B) With respect to material that is transferred to a construction and demolition debris facility by a railroad that is regulated under Title 49 of the United States Code, the facility may request the railroad to provide a bill of lading, or a copy of a bill of lading, from the shipper of the material or may request the railroad to provide written information indicating that the railroad did not process or add to the material.	enacted by HB 397	520-690
3714.083. Rejected debris shipments	(A) If the owner or operator of a construction and demolition debris facility rejects a load of debris that has been accepted at the unloading zone of the facility because the load is not eligible for disposal at the facility under this chapter and rules adopted under it, including <i>section 3714.081 [3714.08.1] of the Revised Code</i> , the owner or operator shall notify the director of environmental protection or a board of health, as applicable, of the rejection of the load.	enacted by HB 397	520-632
3714.083. Rejected debris shipments	The notification shall be made in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> and shall include the date and time that the load was rejected, the license plate number of the vehicle transporting the rejected load as well as an indication of the state of origin of the vehicle, the name of the transporter or shipper of the load, if ascertainable, and the reason for rejecting the load.	enacted by HB 397	520-632
3714.083. Rejected debris shipments	After rejecting a load, the owner or operator shall give the transporter or shipper of the load, as applicable, instructions regarding the requirements of division (B) of this section. The instructions shall be on a form prescribed by the director.	enacted by HB 397	520-632
3714.083. Rejected debris shipments	(B) A transporter or shipper of a load that has been rejected under division (A) of this section shall notify the director or board, as applicable, of the ultimate disposition of the load after the load's rejection.	enacted by HB 397	520-634
3714.083. Rejected debris shipments	The notification shall be made in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> and shall include the date and time that the load was ultimately disposed of after its rejection, the location of the disposal, and the name of the owner or operator of the facility that accepted the load for disposal.	enacted by HB 397	520-634
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	(A) The director of environmental protection shall place each health district that is on the approved list under division (A) or (B) of <i>section 3734.08 of the Revised Code</i> on the approved list for the purposes of issuing permits to install and licenses under this chapter.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	Any survey or resurvey of any such health district conducted under <i>section 3734.08 of the Revised Code</i> shall also determine whether there is substantial compliance with this chapter.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	If the director removes any such health district from the approved list under division (B) of that section, the director shall also remove the health district from the approved list under this division and shall administer and enforce this chapter in the health district until the health district is placed on the approved list under division (B) of <i>section 3734.08 of the Revised Code</i> or division (B)(1) of this section.	No	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	(B) (1) Upon the request of the board of health of a health district that is not on the approved list under division (A) or (B) of <i>section 3734.08 of the Revised Code</i> , the director may place the board on the approved list for the purpose of permitting and licensing construction and demolition debris facilities under this chapter if the director determines that the board is both capable of and willing to enforce all of the applicable requirements of this chapter and rules adopted under it.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	(2) The director shall annually survey each health district on the approved list under division (B)(1) of this section to determine whether there is substantial compliance with this chapter and rules adopted under it. Upon determining that there is substantial compliance, the director shall place the health district on the approved list under that division. The director shall make a resurvey when in the director's opinion a resurvey is necessary and shall remove from the approved list under division (B)(1) of this section any health district not substantially complying with this chapter and rules adopted under it.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	(3) If, after a survey or resurvey is made under division (B)(2) of this section, the director determines that a health district is not eligible to be placed on the approved list or to continue on that list, the director shall certify that fact to the board of health of the health district and shall administer and enforce this chapter and rules adopted under it in the health district until such time as the health district is placed on the approved list.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	(4) Whenever the director is required to administer and enforce this chapter in any health district under division (A) or (B)(3) of this section, the director is hereby vested with all of the authority and all the duties granted to or imposed upon a board of health under this chapter and rules adopted under it within the health district.	amended by HB 432	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	All disposal fees required to be paid to a board of health by <i>section 3714.07 of the Revised Code</i> and all such previous fees paid to the board, together with any money from construction and demolition debris facility license fees that were required to be paid to the board under <i>section 3714.07 of the Revised Code</i> as that section existed prior to April 15, 2005, that have not been expended or encumbered shall be paid to the director and deposited by the director to the credit of the construction and demolition debris facility oversight fund created in <i>section 3714.07 of the Revised Code</i> .	No	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.09. Approved list of health districts; survey, resurvey of each district; authority of director	(C) Nothing in this chapter limits the authority of the director to initiate and pursue any administrative remedy or to request the attorney general, the prosecuting attorney of the appropriate county, or the city director of law of the appropriate city to initiate and pursue any appropriate judicial remedy available under this chapter to enforce any provision of this chapter and any rules or terms or conditions of any permit or license or order adopted or issued under this chapter with respect to any construction and demolition debris facility regardless of whether the facility is located in a health district that is on the approved list under this section.	No.	To be promulgated at a later date: 3745-575 (Annual surveys.)
3714.10. Denial, suspension, modification or revocation of license	The board of health of the health district in which a construction and demolition debris facility is located or the director of environmental protection may deny, suspend, or revoke a license for the facility under <i>section 3714.06 of the Revised Code</i> for violation of any section of this chapter, a rule adopted under it, or a term or condition of the facility's license.	No.	501-40(A)(2)
3714.10. Denial, suspension, modification or revocation of license	No application for a license to be issued under this chapter shall be denied and no license issued under this chapter shall be modified, suspended, or revoked without a written order stating the findings upon which the denial, suspension, modification, or revocation is based.	No.	Denial, Modification, Revocation - 500-120; Suspension - 501-40
3714.10. Denial, suspension, modification or revocation of license	A copy of the order shall be sent to the applicant or license holder by certified mail.	No.	Denial, Modification, Revocation - 500-120; Suspension - 501-40 (with reference to 500-130)
3714.10. Denial, suspension, modification or revocation of license	Unless an emergency exists requiring immediate action to protect the public health or safety or the environment, no suspension, modification, or revocation of a license shall be made effective until the license holder has been given notice in writing.	No.	Suspension - 501-40(B)(2)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.10. Denial, suspension, modification or revocation of license	Appeal from any suspension, revocation, or denial of a license shall be made in accordance with <i>sections 3745.02 to 3745.06 of the Revised Code</i> .	No.	Denial, Modification, Revocation - 500-120; Suspension - 501-40
3714.101. Falsification of material information	Falsification of any material information that is required to be submitted to a board of health or the director of environmental protection with respect to a permit to install or a license issued under this chapter or an application for such a permit or license, or falsification of any other material information that is required to be submitted to a board or the director under this chapter and rules adopted under it, is grounds for the denial, suspension, or revocation of a permit to install or a license issued under this chapter.	enacted by HB 397	Permit: Denial - 520-312(B)(2); Suspension 520-360(A)(1); Revocation - 520-350(A)(1); License: Denial - 501-15(B)(3)(b); Suspension & Revocation - 501-40(A)(5)
3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited	(A) The attorney general, the prosecuting attorney of the county, or the city director of law where a violation has occurred, is occurring, or may occur, upon the request of the respective board of health of the health district, the legislative authority of the political subdivision in which a violation has occurred, is occurring, or may occur, or the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated, is violating, or is threatening to violate any section of this chapter, applicable rules adopted under it, or terms or conditions of a permit, license, or order issued under it.	No.	Rely on statute
3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited	The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate any section of this chapter, applicable rules adopted under it, or terms or conditions of a permit, license, or order issued under it. The court shall give precedence to such an action over all other cases.	No.	Rely on statute
3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited	(B) If the board of health of the health district in which a violation has occurred or is occurring or the director determines that any person has violated or is violating this chapter, a rule adopted under it, or a term or condition of a permit, license, or order issued under it, the board or the director may request in writing that the attorney general, the prosecuting attorney of the county, or the city director of law where the violation has occurred or is occurring bring an action for civil penalties in any court of competent jurisdiction. Such an action shall have precedence over all other cases.	No.	Rely on statute
3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited	The court may impose upon the person a civil penalty of not more than ten thousand dollars for each day of each violation of this chapter, a rule adopted under it, or a term or condition of a permit, license, or order issued under it. Moneys resulting from civil penalties imposed by an action brought at the request of the board of health shall be credited to the special fund of the health district created in <i>section 3714.07 of the Revised Code</i> . Moneys resulting from civil penalties imposed by an action brought at the request of the director shall be credited to the hazardous waste clean-up fund created in <i>section 3734.28 of the Revised Code</i> . Any action under this division is a civil action, governed by the Rules of Civil Procedure.	No.	Rely on statute
3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited	(C) The director and board of health, within their respective territorial jurisdictions, may, upon their own initiative, investigate or make inquiries regarding the disposal of construction and demolition debris.	No.	Rely on statute

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.11. Injunction against violation; action for civil penalties; investigations of disposal of debris; other remedies not limited	(D) This chapter does not abridge rights of action or remedies in equity, under common law, or as provided by statute or prevent the state or any municipal corporation or person in the exercise of their rights in equity, under common law, or as provided by statute to suppress nuisances or to abate or prevent pollution.	No.	Rely on statute
3714.12. Orders to abate violation; emergency orders	(A) The board of health of a health district may make orders in accordance with <i>section 3709.20 or 3709.21 of the Revised Code</i> to a permit or license holder or other person to abate, within a specified, reasonable time, a violation of any section of this chapter, a rule adopted under it, or a term or condition of a permit or license issued under it.	No.	Rely on statute
3714.12. Orders to abate violation; emergency orders	The director of environmental protection may issue enforcement orders in accordance with Chapter 3745. of the Revised Code to a permit or license holder or other person to abate, within a specified, reasonable time, a violation of any section of this chapter, a rule adopted under it, or a term or condition of a permit or license issued under it.	No.	Rely on statute
3714.12. Orders to abate violation; emergency orders	(B) If the board of health or the director determines that conditions at a construction and demolition debris facility or other location where construction and demolition debris is being disposed of are causing or threatening to cause an imminent and substantial threat to public health or safety or the environment or an imminent and substantial risk of fire and that, due to any of those conditions, an emergency exists requiring immediate action to protect the public health or safety or the environment, the board or the director may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet the emergency. The order shall be effective immediately.	No.	Rely on statute
3714.12. Orders to abate violation; emergency orders	Any person to whom such an order is directed shall comply immediately, but on application to the director or the board of health, as appropriate, shall be afforded a hearing as soon as possible, but not later than thirty days after application. On the basis of the hearing, the director or the board of health shall continue the order in effect or revoke or modify it. No emergency order shall remain in effect for more than ninety days after its issuance.	No.	Rely on statute
3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site	(A) No person shall violate any section of this chapter.	No.	Rely on statute
3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site	(B) No person shall violate a rule adopted under this chapter.	No.	Rely on statute
3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site	(C) No person shall violate an order issued under this chapter. Violation of an order issued by a board of health under this chapter is not also a violation of <i>section 3709.20 or 3709.21 of the Revised Code</i> , whichever is applicable.	No.	Rely on statute
3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site	(D) No person who holds a permit or license issued under this chapter shall violate any of the terms or conditions of the permit or license.	No.	Rely on statute
3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site	(E) No owner or operator of a construction or demolition debris facility shall dispose of asbestos or regulated asbestos-containing materials or products at the facility unless the owner or operator is specifically authorized to do so by the board of health of the health district in which the facility is located, or by the director, pursuant to rules adopted under division (D) of <i>section 3714.02 of the Revised Code</i> .	No.	520-600(A)(2); 501-25(B)

ORC Chapter 3714 by Section	Statutory Language	Affected (more than LSC formatting) by Legislation?	Where in Rules?
3714.13. Violations prohibited; disposal of asbestos; notice of placement of fill material off-site	(F) No person shall knowingly place or cause to be placed any reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans as fill material on or in any land owned, leased, or controlled by the person, other than on the site where the materials were so generated or removed, without providing written notice to the board of health of the health district in which the land is located or, if the health district is not on the approved list under <i>section 3714.09 of the Revised Code</i> , to the director of environmental protection at least seven days prior to the first placement of any such materials as fill material at the off-site location.	No.	N/A relying on 400-05
3714.20. Database or databases of public information	The director of environmental protection shall establish and maintain a database or databases composed of public information, including, but not limited to,	enacted by HB 397	Rely on statute
3714.20. Database or databases of public information	the record made under <i>section 3714.08 of the Revised Code</i> of inspection of each construction and demolition debris facility,	enacted by HB 397	Rely on statute
3714.20. Database or databases of public information	information from the annual survey of each health district made under <i>section 3714.09 or 3734.08 of the Revised Code</i> , as applicable,	enacted by HB 397	Rely on statute
3714.20. Database or databases of public information	and ground water and leachate data collected in accordance with rules adopted under <i>section 3714.02 of the Revised Code</i> .	enacted by HB 397	Rely on statute
3714.20. Database or databases of public information	The database or databases shall be stored in such a manner that they are easily available for sharing with health districts and all other interested persons.	enacted by HB 397	Rely on statute
3714.99. Penalty	Whoever knowingly violates <i>section 3714.13 of the Revised Code</i> is guilty of a misdemeanor of the second degree. Each day of violation is a separate offense.	No.	Rely on statute