

ISSUANCE OF SOLID AND INFECTIOUS WASTE LICENSES

EPA Jurisdiction

During the month of [August] the Data Management Section (DMS) sends license applications to all solid and infectious waste facilities licensed during the previous year (Attachments A & B). Completed applications, along with a \$100 application fee, must be submitted to the Fiscal Administration Office by September 30th. Applications submitted after that date are assessed a late fee.

All completed applications are forward to the appropriate district office for review. Following its review of an application, the district office completes the Solid Waste Facility license Review Form (Attachment C), which indicates the district's recommendation for approval or denial of the license. If a license denial is recommended, specific reasons for the denial must be included. The review form must be signed by the district office staff member who reviewed the application, the solid waste group leader, and the unit supervisor. The completed license review form and the application are then returned to the DMS.

If the district office recommends that the license be approved, the DMS will issue the license to the applicant. When the license is issued, the DMS also sends to the applicant a Solid Waste License Fee Statement (Attachment D). This statement specifies the license fee (minus the \$100 application fee) to be forwarded to Fiscal Administration within thirty (30) days. The license fee is based on the Authorized Maximum Daily Waste Receipt (AMDWR) for the facility.

If the district office recommends that the license be denied, the DMS forwards the application and district office review form to the Compliance Monitoring and Enforcement Unit (CMEU). A CMEU staff member will review the recommendation of the district office and will make a recommendation to either approve or deny the license. If the CMEU staff member agrees with the district office recommendation to deny the license, the recommendation is forwarded to the CMEU supervisor and the enforcement coordinator for concurrence. The review form must be signed by the CMEU staff member who reviewed the district office recommendation, the CMEU supervisor, and the enforcement coordinator.

The CMEU staff member prepares the formal license denial, along with specific reasons for the recommendation. The proposed action is then forwarded to the Director for signature. The DMS sends the signed document to the applicant, indicating that the license denial is being issued as a proposed action, and outlining the applicant's appeal rights. If the applicant (or a third party) appeals the Director's proposed action, a formal hearing is held, and if necessary, the case proceeds to the Environmental Board of Review (EBR) for resolution. If no appeal is made, the license denial becomes final within thirty (30) days of issuance. (Note: licenses which have been issued may also be appealed.)

If the CMEU staff member disagrees with the district office recommendation to deny the license, further discussion/meetings with the district office are held in order to reach agreement on the appropriate action to be taken. If the final recommendation is license denial, the proposed action is prepared as described above. If issuing the license is recommended, the application and review form are returned to the DMS for processing.

Health Department Jurisdiction

Local health departments who are on the Director's approved list have direct authority to issue or deny licenses.

During the month of [August], the DMS sends to the health department license applications for all facilities licensed by the health department during the previous year. The health department sends the applications to the appropriate facilities. Completed applications, along with a \$100 application fee, must be submitted to the health department by September 30th. Application submitted after that date are assessed a late fee.

All completed applications are reviewed and acted upon by the health department. When the health department issues the license, a Solid Waste License Fee Statement (Attachment E) is also sent to the applicant. This statement specifies the license fee (minus the \$100 application fee) to be forwarded to the health department. The fee is based on the AMDWR for the facility.

The health department is permitted by statute to retain a portion of the license fee for administration of the solid and infectious waste programs within its jurisdiction. The balance of the license fees are forwarded to the Ohio EPA. Within seventy-five (75) days following the issuance of all licenses, the health department will forward to the Ohio EPA a list of all licensed facilities, along with a check for fees collected above the amount retained by the health department.

If a health department chooses to deny a license, the denial occurs as a proposed Board of Health action, and is also appealable. This appeal process, if it occurs, is similar to the process conducted by the Ohio EPA. The health department will hold an informal hearing, and if necessary, the case will proceed to the EBR for resolution. (Note: licenses which have been issued may also be appealed.)