

3745-400-26

Operator certification.

(A) ~~A person~~An individual meeting the qualifications contained in paragraph (B) of this rule may ~~make~~submit an application for certification as a certified operator. Upon issuance of a certification by the director, the ~~person~~individual is a ~~construction and demolition debris facility~~certified operator ~~with an obligation to fulfill annual continuing education requirements~~; and may renew the certification in accordance with paragraph (F) of this rule.

(B) Qualifications. ~~An applicant for certification or a certified operator~~ shall at a minimum meet the following qualifications:

(1) For a construction and demolition debris facility certified operator:

~~(1)~~(a) Have twelve months of work experience pertaining to the day to day operations at either a construction and demolition debris facility as defined in rule 3745-400-01 of the Administrative Code, a sanitary landfill facility as defined in Chapter 3745-27 of the Administrative Code, or other experience deemed acceptable by the director.

~~(2)~~(b) Obtain a minimum of ten credit hours of approved education training prior to certification and annually upon certification. The education training credit hours shall be ~~attained~~completed in accordance with ~~paragraph (E)~~ of this rule and consist of the following:

~~(a)~~(i) A minimum of four credit hours on the laws governing construction and demolition debris facilities and disposal of construction and demolition debris.

~~(b)~~(ii) A minimum of six credit hours on best management practices including but not limited to operation and maintenance of a construction and demolition debris facility.

(2) For a construction and demolition debris processing facility certified operator:

(a) Have twelve months of work experience pertaining to the day to day operations at either a construction and demolition debris processing facility as defined in rule 3745-400-01 of the Administrative Code, a solid waste transfer facility as defined in rule 3745-500-02 of the Administrative Code, or other experience deemed acceptable by the director.

(b) Obtain a minimum of ten credit hours of approved education training prior to certification and annually upon certification. The education training

credit hours shall be completed in accordance with this rule and consist of the following:

(i) A minimum of four credit hours on the laws governing construction and demolition debris processing facilities and processing and transferring of construction and demolition debris.

(ii) A minimum of six credit hours on best management practices including but not limited to operation and maintenance of a construction and demolition debris processing facility.

(C) Application.

(1) An applicant for certification shall submit to the director a complete notarized application on forms prescribed by the director. ~~The application shall include~~ that at a minimum includes copies of records verifying that the applicant has met the requirements specified in paragraph (B) of this rule.

(2) An incomplete application shall not be considered. Not later than thirty days after the receipt of an incomplete application, the applicant shall be notified of the nature of the deficiency and the refusal by the director to consider the application until the deficiency is rectified and the application completed.

(D) Issuance. The director shall issue or renew a certification to an applicant after the applicant has submitted a complete and accurate application in accordance with paragraph (C) of this rule, unless the application is denied in accordance with paragraph (G) of this rule.

(E) Education training program. The director shall approve programs to fulfill the education training requirements for certified operators in accordance with this rule and section 3714.062 of the Revised Code.

(1) A person who is required to obtain certification pursuant to this rule and section 3714.062 of the Revised Code shall complete education training in accordance with this paragraph and paragraph (B) of this rule. Sixty minutes of instruction or other approved activity shall constitute one credit hour of education training.

(2) A three-member panel shall be established by the director to provide guidance on the minimum core curriculum to be included in the approved education training set forth in paragraph (B)(2) of this rule. The panel shall be composed of the following:

(a) A representative of the director.

- (b) A member appointed by a state-wide association of boards of health.
 - (c) A member appointed by a state-wide construction and demolition debris association.
- (3) An education training course shall be submitted to the director for approval not later than sixty days prior to the commencement of the course. The request for approval shall be submitted on forms prescribed by the director and ~~shall~~ contain at a minimum the following information:
- (a) The name, address, and telephone number of the person, entity, or organization providing the training.
 - (b) The title and educational objectives of the course.
 - (c) The content of the course including a course outline.
 - (d) The number of ~~continuing~~ education training credit hours awarded by the course.
 - (e) The names and qualifications of instructors teaching the course.
 - (f) The procedure used to verify attendance at the course.
 - (g) Verification that the person, entity, or organization conducting the course will submit a copy of the attendees list to the director not later than forty-five days after completion of the course.
 - (h) The name, address, and telephone number of the person submitting the course for approval.
- (4) A person who is required to obtain certification pursuant to this rule and section 3714.062 of the Revised Code may submit a request on forms prescribed by the director to obtain education training credit for training which has not been approved by the director not later than thirty days prior to the commencement of the course.
- (5) A person who is required to obtain certification pursuant to this rule and section 3714.062 of the Revised Code may submit a request on forms prescribed by the director to obtain education training credit for past attended training which was not approved by the director not later than sixty days after completion of the course.

- (6) Education training for certified operators who are course instructors or panel participants. The director may grant education training credit hours to certified operators who are course instructors or panel participants of approved education training courses in accordance with the following:
- (a) Course instructors. Up to three credit hours for each credit hour taught the first time the course is presented by the instructor, and one credit hour for each credit hour taught in subsequent presentations of the same course by the instructor. The director may grant a maximum of four credit hours during the certification period.
 - (b) Panel participants. Up to two credit hours for each credit hour for the initial panel presentation and one credit hour for each credit hour for subsequent panel presentations of the same material. The director may grant a maximum of three credit hours during the certification period.
 - (c) Requests for approval of the education training hours shall be submitted on forms prescribed by the director not later than sixty days after the course presentation or panel presentation.
- (7) All course approvals are valid for one year from the date of issuance.
- (8) Upon request, the director shall provide a list of the certified operator's documented education training hours.

(F) Renewal of certification.

- (1) ~~A~~ Unless an extension has been granted in accordance with paragraph (H)(2) of this rule, a certification issued pursuant to this rule shall expire annually on December thirty-first.
- (2) The director shall renew a certification provided that the certified operator has met the requirements of this rule absent grounds for denial, suspension, or revocation pursuant to paragraph (G) of this rule. A certification issued under this rule that has been revoked shall not be renewed and the person shall not be eligible to be a new applicant or designated as an interim operator.
- (3) A renewal application shall be submitted to the director by December thirty-first of each year. The renewal application shall include ~~the following:~~ copies
 - ~~(a) Copies~~ of records verifying that the applicant has received educational training credit hours as set forth in paragraph (B) of this rule and section 3714.062 of the Revised Code in the twelve months preceding the submission of the renewal application.

~~(b) An affidavit establishing the applicant's qualifications for recertification. Such affidavit shall be made on forms prescribed by the director and notarized prior to submission.~~

(G) Denial, suspension, and revocation of certification.

(1) If a certified operator violates any provision of Chapter 3714. of the Revised Code or the rules adopted thereunder, including a violation of any license condition or order of the licensing authority, the director may take one of the following actions:

(a) Deny the application for certification in accordance with Chapters 119. and 3714. of the Revised Code.

~~(a)~~(b) Suspend the certification. If a certification issued under this rule is suspended, the certification shall not be renewed until the suspension period expires and the ~~person~~ individual whose certificate is suspended has achieved compliance with Chapter 3714. of the Revised Code and the rules adopted thereunder ~~successfully completes all actions required by the director.~~

~~(b)~~(c) Revoke the certification after an investigation and hearing conducted in accordance with Chapter 119. of the Revised Code has been completed. ~~A certification issued under this rule that has been revoked shall not be renewed and the person shall not be eligible to be a new applicant or designated as an interim operator.~~

(2) The owner or operator of a construction and demolition debris facility or construction and demolition debris processing facility with a certified operator whose certification has been denied, suspended, or revoked shall establish an interim operator in accordance with rule 3745-400-11 or rule 3745-400-58 of the Administrative Code, as applicable, not later than fourteen days after the ~~director's~~ denial, suspension, or revocation.

(H) Veterans. For the purposes of this rule, "veteran" has the same meaning as in section 5903.01 of the Revised Code.

(1) A veteran may request an extension of the annual continuing education requirement if the following conditions are met:

(a) The veteran has served on active duty inside or outside the United States for a period in excess of thirty-one days during the current annual certification period.

- (b) The veteran has submitted a renewal application in accordance with paragraph (F) of this rule and proper documentation certifying the active duty service and the length of the active duty service.
- (2) Upon receipt of a complete application and documentation, the director shall extend the current certification period by an amount of time equal to the total number of months that the veteran spent on active duty during the current certification period. Any portion of a month served shall be considered one full month. The director shall consider relevant education, training, or service completed by the veteran while on active duty in determining whether the veteran has fulfilled the continuing education requirements identified in paragraph (B) of this rule.
- (3) A veteran or a veteran's spouse, who meets the requirements of this paragraph and whose certification has expired due to the veteran's military service, shall be eligible for renewal of the expired certification without penalty in accordance with section 5903.10 of the Revised Code if the following conditions are met:
 - (a) The veteran presents the director with satisfactory evidence that, not later than six months prior to the date the evidence is submitted to the director, the veteran was honorably discharged or separated from the military under honorable conditions.
 - (b) The veteran is not disqualified because of a mental or physical disability which would preclude the veteran from meeting the certification requirements.
 - (c) The veteran meets the requirements for certification renewal.

Effective:

Five Year Review (FYR) Dates: 7/29/2021

Certification

Date

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