

3745-400-50

Processing facility permit to install.

(A) Permit to install application.

(1) A person proposing to establish, maintain, or modify a processing facility shall submit to the permitting authority a permit to install application that contains the information required by this rule so that the permitting authority can determine whether the criteria set forth in rules 3745-400-52 and 3745-400-54 of the Administrative Code are satisfied. The permit to install application shall include sufficient detail to allow clear understanding for technical review of the application and to provide assurance that the processing facility is designed and can be constructed and operated in accordance with this chapter.

(2) An owner or operator of a processing facility in operation prior to October 6, 2017 that is proposing to continue to operate the processing facility after the effective date of this rule shall submit an application for a permit to install to the permitting authority in accordance with (A)(1) and (A)(3) of this rule not later than six months after the effective date of this rule.

(3) A permit to install application shall be made on forms prescribed by the director and include at a minimum the following:

(a) The processing facility design plan that complies with rule 3745-400-52 of the Administrative Code.

(b) The fire prevention and response plan that complies with paragraph (H) of rule 3745-400-58 of the Administrative Code and any other plan that was required by other applicable rules or effective authorizations.

(c) A draft of the final closure financial assurance mechanism selected in accordance with paragraph (B) of rule 3745-400-56 of the Administrative Code to be executed and funded prior to license issuance.

(d) A signature in accordance with rule 3745-500-50 of the Administrative Code.

(e) A nonrefundable application fee of one thousand dollars.

(4) Permit to install renewal.

(a) An owner or operator of a processing facility with an effective permit to install may submit a permit to install application to renew the permit to install. The owner or operator of the processing facility shall submit a permit to install application in accordance with paragraph (A) of this rule not later than one hundred eighty days prior to the expiration date of the effective permit to install.

- (b) Absent any conflicting provision in Chapter 3714. of the Revised Code or the rules promulgated thereunder, an administrative order, an order of the environmental review appeals commission, or an order of a court of competent jurisdiction, the effective permit to install shall remain in effect in the event that a permittee has filed an application for a renewal permit to install within the time and in the manner provided in this rule and the permitting authority has not taken a final action on the application.
- (B) Permit to install fees required after issuance of a permit to install. Not later than thirty days after issuance of a permit to install, the owner or operator of the processing facility shall remit to the permitting authority a permit to install fee of two thousand dollars.
- (C) Administrative change to a permit to install. A permit to install may be administratively changed in accordance with rule 3745-500-360 of the Administrative Code.
- (D) Alteration of a permit to install. A permit to install may be altered in accordance with rule 3745-500-150 of the Administrative Code.
- (E) Transfer of a permit to install.
- (1) The permittee may request the transfer of the permit to install by submitting to the permitting authority an application on forms prescribed by the director that are signed by both the permittee and the proposed transferee in accordance with rule 3745-500-50 of the Administrative Code and that at a minimum includes the following information:
- (a) The transferee's name and contact information.
- (b) Specification if the transferee is the owner or operator of the processing facility, or both.
- (c) The name, address, and secondary identification number of the processing facility to which the permit to install pertains.
- (d) The proposed date for transfer.
- (e) Any other information deemed necessary by the director or approved board of health.
- (2) Transfer of a permit to install occurs upon written authorization from both the director and the approved board of health, if applicable.
- (F) Termination of a permit to install. A permit to install shall terminate one year after the

effective date of the permit to install if the permittee has not established the processing facility in accordance with the permit to install.

(G) Suspension or revocation of a permit to install. The director or the permitting authority may suspend or revoke a permit to install by order for any cause that would be grounds for suspension or revocation pursuant to Chapter 3714. of the Revised Code. Grounds include but are not limited to the following:

(1) Entry pursuant to applicable law to inspect or investigate, obtain samples, or examine or copy records to determine compliance is refused, hindered, or thwarted.

(2) The owner or operator of a processing facility violates Chapter 3714. of the Revised Code or rules adopted thereunder.

(3) The owner or operator of the processing facility is not operating the processing facility in substantial compliance with applicable environmental laws.

(4) A nuisance, fire hazard, or health hazard exists at the processing facility.

(5) Fraud, deceit, or misrepresentation in securing the permit or conducting the permitted activity.

(6) Offering, conferring, or agreeing to confer any benefit to induce any other individual or business concern to violate the provisions of Chapters 3704., 3714., 3734., or 6111. of the Revised Code, or any rule adopted thereunder, or of any other law relating to the transportation, transfer, processing, or recycling of construction and demolition debris.

(7) Coercion of a customer by violence or economic reprisal or the threat thereof to utilize the services of any permittee, owner, or operator.

(H) The owner or operator of a processing facility for which the permit to install has been suspended shall do the following:

(1) Cease all construction activities at the construction and demolition debris processing facility.

(2) Cease acceptance of construction and demolition debris at the processing facility upon the effective date of the order suspending the processing facility permit to install, unless the order suspending the processing facility permit to install provides otherwise.

(3) Comply with the operational requirements specified in the applicable rules.

(4) Not recommence acceptance of construction and demolition debris unless the permitting authority has by order reinstated the processing facility permit to

install.

(I) Expiration of a permit to install. A permit to install shall expire five years after the effective date of the permit to install.