

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**3745-501-15      Criteria for issuing or denying facility licenses.**

- (A) The licensing authority shall not issue a facility license unless the following criteria are met:
- (1) The applicant for the license is the owner or operator and, if the applicant does not own all of the real property upon which the facility is or will be located, has written permission from each owner to apply for the license.
  - (2) The owner or operator holds a valid permit to install or a registration, if required by rules adopted under Chapter 3714. or Chapter 3734. of the Revised Code.
  - (3) In the case of an initial facility license, the facility has been inspected by Ohio EPA and the approved board of health, if applicable, and has been determined to be constructed in accordance with all authorizing documents and applicable rules and is adequately prepared for operations.
  - (4) The detail plans have been approved by the director if required by section 3734.05 of the Revised Code.
  - (5) The owner or operator has demonstrated that appropriate approvals and authorizations have been obtained including but not limited to approvals and authorizations required pursuant to Chapters 3704. and 6111. of the Revised Code.
  - (6) The license application conforms to rule 3745-501-10 or rule 3745-501-12 of the Administrative Code, as applicable.
  - (7) Closure of the facility is not required by rules adopted under Chapter 3714. or 3734. of the Revised Code, an effective order issued by the director, the approved board of health, the environmental review appeals commission, or a court of competent jurisdiction.
  - (8) The owner or operator submitted a complete license application for renewal to the licensing authority by December thirty-first of the current license period.
  - (9) Financial assurance for the facility has been established and maintained for closure and post-closure care, as applicable, and documentation of the financial assurance has been submitted in accordance with Chapter 3714. or Chapter 3734. of the Revised Code and rules adopted thereunder.
  - (10) The owner and operator, at facilities they own or operate, are in substantial compliance with, or are on a legally enforceable schedule through issuance of an administrative consent order or judicial consent order to attain compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code. An owner or operator is not in substantial compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code if the owner or operator has committed a significant or material violation of an environmental law or has committed numerous, other violations of environmental laws such that the violations reveal a practice of noncompliance with environmental laws.
  - (11) The owner and operator, at facilities they own or operate or facilities they previously owned or operated, have maintained a history of compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code by resolving all administrative and judicial enforcement actions that were brought against

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them which were based on a significant or material violation of an environmental law, or were based on numerous, other violations of environmental laws that revealed a practice of noncompliance with environmental laws. For purposes of this rule, an enforcement action has been resolved if the owner or operator has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the owner or operator has adjudicated the issue of whether they are in violation of environmental laws to finality.

- (12) The owner and operator exhibit sufficient reliability, expertise, and competency to operate the facility in substantial compliance with environmental laws in this state as a result of, and including but not limited to, the assets, employees, equipment, and other resources available at, and dedicated to, the facility.
- (13) For a ~~C&DD~~ [construction and demolition debris](#) facility, all portions of the proposed facility meet the requirements of rule 3745-400-06 of the Administrative Code.

(14) For a [construction and demolition debris processing facility](#), the application demonstrates compliance with the applicable provisions of divisions (E) and (F) of section 3714.06 of the Revised Code.

(B) Grounds for denial. The licensing authority may deny a license application request for any of the following reasons:

- (1) Any of the criteria in paragraph (A) of this rule that are applicable to the facility are not met.
- (2) The license application is incomplete and the applicant has not addressed a notice of deficiency identified by the licensing authority not later than thirty days after receipt of the notice of deficiency.
- (3) Falsification of any material information that is required to be submitted to a licensing authority as part of the license application.
- (4) A violation of Chapter 3714. or Chapter 3734. of the Revised Code or any rule adopted under those chapters, including a violation of a term or condition of the facility's license.