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3745-520-312

Criteria for issuing and grounds for denying a permit to install.

(A) General criteria for issuance. The permitting authority shall not issue a permit to install for a C&DD facility unless the permitting authority determines that the following criteria are satisfied:

- (1) Establishment or expansion of the facility will not violate Chapter 3704., 3714., 3734., or 6111. of the Revised Code or rules adopted under those chapters.
- (2) The applicant has demonstrated that the facility will not pose a threat to public health or safety or the environment, will not cause or create a nuisance, create a fire hazard, create a health hazard, and will not cause or contribute to air or water pollution.
- (3) The applicant and, if they exist, owner and operator are in substantial compliance with applicable provisions of Chapter 3714. of the Revised Code and any rules adopted and any authorizing documents issued thereunder.
- (4) The applicant, owner, or operator is capable of constructing, operating, and closing the facility and maintaining the facility during the post-closure care period in accordance with this chapter and with the terms and conditions of the permit to install.
- (5) The applicant demonstrated that other approvals and authorizations including but not limited to approvals and authorizations issued pursuant to Chapters 3704. and 6111. of the Revised Code necessary for the construction and operation of the facility have been obtained, except for a license to operate required by Chapter 3745-501 of the Administrative Code.
- (6) The permit to install application contains the information required by rule 3745-520-300 of the Administrative Code and the application documents that the facility has been designed in accordance with rule 3745-520-200 of the Administrative Code.
- (7) The permit to install application demonstrates that the facility and the disposal limits will conform to the applicable siting criteria contained in rule 3745-520-100 of the Administrative Code. The permitting authority shall apply the siting criteria established in rule 3745-520-100 of the Administrative Code to an application for a permit to install at the time the application is submitted to the director or approved board of health. Circumstances related to the siting criteria that change after the application is submitted shall not be considered in issuing or denying the permit to install.
- (8) Unless excepted from siting criteria by paragraph (B) of rule 3745-520-100 of the Administrative Code, the permit to install application demonstrates that access

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roads at the facility will be constructed in a manner that allows use in all weather conditions and that will withstand the anticipated degree of use and minimize erosion and generation of dust.

(9) If the permit to install application contains an expansion of the authorized disposal limits, the proposed expansion will not interfere with or prohibit ground water assessment or ground water corrective actions.

(10) If the permit to install application contains a vertical expansion of the authorized disposal limits, the proposed expansion will not cause any existing ground water contamination to worsen.

(11) If an exemption is necessary for issuance of the permit to install, the exemption has been issued in accordance with rule 3745-520-20 of the Administrative Code prior or concurrent to issuance of the permit to install.

(B) Grounds for denial of a permit to install. At a minimum, the permitting authority may deny a permit to install for any of the following reasons:

(1) The criteria for issuance specified in paragraph (A) of this rule are not satisfied.

(2) Falsification of material information pursuant to section 3714.101 of the Revised Code.

(3) The applicant does not respond to a notice of deficiency in the manner required by rule 3745-520-300 of the Administrative Code.

(4) The applicant, owner, or operator is not in substantial compliance with applicable provisions of Chapter 3704., 3714., 3734., or 6111. of the Revised Code or any rules adopted or any authorizing documents issued under those chapters.

(C) Discretionary criteria. When determining whether to issue or deny a permit to install, the permitting authority may consider the following:

(1) The impact the C&DD facility may have on corrective actions that are presently being taken, or that are proposed to be taken at the facility or in the immediate area, including but not limited to corrective actions pertaining to fire, gas, odors, or ground water contamination.

(2) The technical feasibility of adequately monitoring the impact of the C&DD facility on the environment.

(3) Pursuant to division (B) of section 3714.052 of the Revised Code, the history of compliance with state and federal laws pertaining to environmental protection or the environmental laws of another state or country, indicating if the applicant or any other person listed on the application has sufficient reliability, expertise, and

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[competence to operate the proposed new C&DD facility in substantial compliance with Chapter 3714. of the Revised Code and rules adopted thereunder.](#)