

3745-501-01 Licensing - applicability.

The rules in this multi-program chapter shall apply when referenced in either of the following:

- (A) A rule in a program chapter.
- (B) A rule in another multi-program chapter that was made applicable by a rule in a program chapter.

Program chapters are Chapters 3745-27, 3745-29, 3745-30, 3745-37, 3745-400, and 3745-520 to 3745-599 of the Administrative Code.

3745-501-01

Effective: 7/1/2020

Five Year Review (FYR) Dates: 11/27/2019 and 07/01/2025

CERTIFIED ELECTRONICALLY

Certification

06/03/2020

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3734.02
Rule Amplifies: 3714.02, 3714.06, 3734.02, 3734.05
Prior Effective Dates: 04/02/2012

3745-501-02 Licensing - definitions.

If a term used in this chapter is defined in rule 3745-500-02 of the Administrative Code, the definition in rule 3745-500-02 of the Administrative Code is applicable to this chapter unless the term is defined in this rule. As used in this chapter:

(A) [Reserved.]

(B) [Reserved.]

(C) [Reserved.]

(D) [Reserved.]

(E) [Reserved.]

(F) "Facility" means any of the following:

(1) A solid waste facility.

(2) An infectious waste treatment facility.

(3) A construction and demolition debris facility.

(4) A construction and demolition debris processing facility, including a co-located processing facility.

Effective: 7/4/2022
Five Year Review (FYR) Dates: 4/19/2022 and 07/04/2027

CERTIFIED ELECTRONICALLY

Certification

06/24/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02
Rule Amplifies: 3714.02, 3714.022, 3714.06, 3734.01, 3734.02,
3734.05
Prior Effective Dates: 04/02/2012, 07/01/2020, 04/18/2022

3745-501-05 Licensing requirements.

(A) No person shall operate or maintain a solid waste facility, a construction and demolition debris facility, or a construction and demolition debris processing facility without a separate license for each facility as required by Chapter 3714. or 3734. of the Revised Code and the rules adopted thereunder. The requirement to obtain a separate license does not apply to a construction and demolition debris facility and a co-located processing facility operating or proposing to operate under a single license.

[Comment: Failure to obtain a renewal license is grounds for closure.]

(B) Unless otherwise excluded by paragraph (C) of this rule, no person shall operate an infectious waste treatment facility without an infectious waste treatment facility license.

(C) Infectious waste treatment facility exclusions. An infectious waste treatment facility is not required to obtain a license if the infectious waste treatment facility meets any of the following criteria:

(1) Is owned or operated by the generator of the wastes and exclusively treats wastes that are generated at any premises owned or operated by that generator regardless of whether the wastes are generated on the same premises where the generator's treatment facility is located. Treatment of the wastes shall occur utilizing methods, techniques, and practices established by rules adopted under division (C)(1) or (C)(3) of section 3734.021 of the Revised Code. The owner or operator of an infectious waste facility operating in accordance with this paragraph may accept infectious waste generated by small quantity generators for treatment.

(2) Holds a license issued under section 4717.17 of the Revised Code and a permit issued under Chapter 3704. of the Revised Code.

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584.21 U.S. C.A. 603.

(b) Chapter 918. of the Revised Code.

(c) Chapter 953. of the Revised Code.

(4) Holds a solid waste facility license with a notation on the license that the facility also treats infectious waste in accordance with division (B) of section 3734.05 of the Revised Code.

(D) A license issued pursuant to this chapter is effective until December thirty-first of the year for which the license is issued, unless revoked.

Effective: 7/4/2022
Five Year Review (FYR) Dates: 4/19/2022 and 07/04/2027

CERTIFIED ELECTRONICALLY

Certification

06/24/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02
Rule Amplifies: 3714.02, 3714.022, 3714.06, 3734.02, 3734.05
Prior Effective Dates: 04/02/2012, 07/01/2020, 04/18/2022

3745-501-10 License applications and application procedures.

(A) License application.

- (1) The applicant for a facility license shall be the owner of the facility or the operator that has written permission from each property owner to apply for a license.
- (2) An application for a facility license required by rule 3745-501-05 of the Administrative Code shall be made on forms prescribed by the director and contain at a minimum the following:
 - (a) Information regarding the applicant.
 - (b) Information regarding the owner and operator.
 - (c) Information regarding the property.
 - (d) Information regarding the operations at each facility.
 - (e) Any additional information deemed necessary by the director.
- (3) An applicant for a construction and demolition debris facility license shall submit three copies of the application to the licensing authority via certified mail or any other form of mail accompanied by a receipt.

(B) License application procedures.

- (1) Except for a scrap tire collection or scrap tire storage facility that is owned or operated by a motor vehicle salvage dealer pursuant to Chapter 4738. of the Revised Code or a construction and demolition debris facility, each application for a facility license shall be accompanied by a nonrefundable fee in the amount specified in section 3734.05, section 3734.81, or section 3714.06 of the Revised Code, as applicable. For annual renewal license applications received by a licensing authority between October first and December thirty-first, the applicant shall pay an additional late fee in the amount specified in section 3734.05, section 3734.81, or section 3714.06 of the Revised Code, as applicable, for each whole or partial week the application is submitted beyond September thirtieth, which is the application deadline.
- (2) An incomplete application shall not be considered. Not later than sixty days after receipt of an incomplete application, the applicant shall be notified of the nature of the deficiency and of refusal by the director or the approved board of health to consider the application until the deficiency is rectified and the application completed.
- (3) Signature. An application for a license shall be signed in accordance with rule 3745-500-50 of the Administrative Code.
- (4) Timeframe for application submittal.
 - (a) The applicant shall submit the license application to the licensing authority in accordance with the following:
 - (i) Except for an initial processing facility license application submitted in accordance with paragraph (D) of rule 3745-400-02 of the Administrative Code or an initial license for a co-located processing facility submitted in accordance with rule 3745-501-12 of the Administrative Code, for a facility that has not previously received a license, not later than ninety days prior to the

proposed date for accepting solid waste, infectious waste, or C&DD.

[Comment: Chapter 3734. of the Revised Code specifies an applicant for a solid waste facility or infectious waste treatment facility permit to install to concurrently submit an initial application for an operating license even though the facility is not yet constructed or operating.]

- (ii) For a facility that will continue operations beyond the expiration date of the current license, on or before September thirtieth of the year preceding that for which the renewal license is sought.

[Comment: The owner or operator of a facility undergoing closure that has ceased waste acceptance and operations prior to December thirty-first is required to comply with all applicable operational provisions until the closure has been certified but is not required to submit an application for renewal of the facility license.]

- (b) Any complete facility renewal license application submitted to the licensing authority between October first and December thirty-first of the current license period shall be considered by the licensing authority provided that the license application fee and any applicable late fees are paid.

- (c) Any renewal license application not submitted to the licensing authority by December thirty-first of the current license period shall not be considered for approval or denial, and the facility will be subject to all applicable closure requirements.

[Comment: Absent any obligation to cease facility operations, any requirement pursuant to Chapter 3714. or 3734. of the Revised Code and rules adopted under those chapters, or any administrative or court order, a current licensee who has filed an application for a renewal license within the time and in the manner provided in this rule is not required to discontinue operations in the event that the licensing authority has not taken a final action on the application.]

- (C) The approved board of health shall manage all license application fees in accordance with the applicable provisions of Chapters 3714. and 3734. of the Revised Code.

Effective: 7/4/2022
Five Year Review (FYR) Dates: 4/19/2022 and 07/04/2027

CERTIFIED ELECTRONICALLY

Certification

06/24/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3714.09, 3734.02, 3734.08
Rule Amplifies: 3714.02, 3714.022, 3714.06, 3714.09, 3734.02, 3734.05, 3734.06, 3734.08
Prior Effective Dates: 04/02/2012, 07/01/2020, 01/31/2022, 04/18/2022

3745-501-12 Additional criteria for C&DD license applications.

In addition to the requirements contained in rule 3745-501-10 of the Administrative Code, an application for a C&DD facility license shall include but is not limited to the following:

- (A) A copy of the facility design plan prepared in accordance with rule 3745-400-07 of the Administrative Code.
- (B) In the case of an initial facility license, a letter from the local fire department stating that the fire department will respond to fires at the facility.
- (C) Delineation of the following on a plan drawing:
 - (1) The proposed active licensed disposal area.
 - (2) All proposed inactive licensed disposal areas including the following:
 - (a) Areas that have no debris placed in the area.
 - (b) For an existing facility, areas that have not been filled after September 30, 1996 and do not have a dense vegetative cover.
 - (c) Areas that have been capped in accordance with paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code and have received approval in accordance with rule 3745-400-08 of the Administrative Code. These areas shall be subdivided and labeled as to the date the designated area received approval of the cap from the licensing authority.
 - (3) Facility environs in accordance with rule 3745-400-07 of the Administrative Code.
 - (4) The horizontal limits of construction and demolition debris processing for a co-located processing facility, if applicable.
- (D) The acreage for each area designated in paragraph (C) of this rule.
- (E) The remaining life of the facility in years or volume.
- (F) All financial assurance documentation required by rule 3745-400-13 of the Administrative Code.
- (G) A debris placement plan prepared by a professional engineer including information on plan drawings and in narrative form. The plan drawings shall be on plan sheets with a minimum dimension of twenty-four inches by thirty-six inches. The scale on the plan drawings shall be one inch equals no greater than two hundred feet and the contour interval shall be no greater than five feet. The debris placement plan shall include but is not limited to the following:
 - (1) Facility operation plan drawings that include the following:
 - (a) The facility boundaries.
 - (b) The limits of debris placement.
 - (c) A delineation of the areas and construction sequence for systematic construction activities in the unfilled areas of the proposed active licensed disposal area.
 - (d) A delineation of the areas designated for debris placement in the proposed active licensed disposal area and delineation of sequence of operational activities to ensure that operations are in compliance with rule 3745-400-11 of the Administrative Code.

- (e) A depiction of the ground water monitoring wells in the facility design plan that will be installed or will continue to be sampled throughout the licensing period.
 - (f) The direction of flow for all surface waters at the facility including the location of all run-on and run-off controls for the limits of debris placement and the location of any storm water, erosion, and sediment controls required by Chapter 6111. of the Revised Code.
 - (g) All access roads to be constructed and operated during the licensure period.
- (2) Detail drawings of the surface water run-on and run-off control structures.
- (3) A pre-acceptance debris screening program narrative if the owner or operator chooses to implement a pre-acceptance debris screening program in lieu of establishing an unloading zone as required by rule 3745-400-11 of the Administrative Code. At a minimum, the pre-acceptance debris screening program narrative shall include the following information:
- (a) Procedures for recording and maintaining the following records:
 - (i) Generator identification.
 - (ii) The source of the debris.
 - (iii) The types of debris in the load including affirmation that the load does not contain prohibited materials.
 - (iv) Whether the debris arrives at the facility unprocessed or processed.
 - (v) Written verification by the generator of each load of the records required by this paragraph.
 - (b) Procedures for the identification and disposition of prohibited materials including but not limited to the materials identified in section 3714.082 or 3714.083 of the Revised Code. At a minimum, the procedures shall include the following:
 - (i) Conducting random visual inspections of incoming loads to discover and segregate prohibited materials.
 - (ii) Handling and disposition of prohibited materials.
 - (iii) Documenting the inspection of incoming loads and the discovery, segregation, handling, and disposition of prohibited materials.
 - (iv) Training personnel to conduct the procedures established in paragraphs (G)(3)(b)(i) to (G)(3)(b)(iii) of this rule.
- (4) For an existing facility, plan drawings showing the horizontal limits of any soil barrier layer for construction over placed debris.
- (H) For a co-located processing facility, the following:
- (1) The name of the co-located processing facility.
 - (2) The fire prevention plan that complies with paragraph (H) of rule 3745-400-11 of the Administrative Code.
 - (3) An application fee in accordance with section 3714.06 of the Revised Code.

- (I) A single license application for a construction and demolition debris facility and a co-located processing facility submitted in accordance with this rule shall be construed as an application for a permit to install in accordance with section 3714.051 of the Revised Code if the application is submitted to the licensing authority as follows:
- (1) For a co-located processing facility in operation prior to the effective date of this rule, not later than one hundred eighty days after the effective date of this rule.
 - (2) For a co-located processing facility established after the effective date of this rule, with the subsequent license application for the construction and demolition debris facility.

Effective: 7/4/2022
Five Year Review (FYR) Dates: 4/19/2022 and 07/04/2027

CERTIFIED ELECTRONICALLY

Certification

06/24/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02
Rule Amplifies: 3714.02, 3714.06
Prior Effective Dates: 07/01/2020

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 or by 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 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 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.
 - (15) The applicant for a single license governing a construction and demolition debris facility and a co-located processing facility is the owner or operator of both the construction and demolition debris facility and the co-located processing facility.
- (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.
- (C) While a single license governing a construction and demolition debris facility and a co-located processing facility issued in accordance with this rule is effective, the single license shall be construed to satisfy the requirement to obtain a permit to install for the co-located processing facility in division (H) of section 3714.051 of the Revised Code.

Effective: 7/4/2022
Five Year Review (FYR) Dates: 4/19/2022 and 07/04/2027

CERTIFIED ELECTRONICALLY

Certification

06/24/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3734.02, 3734.12
Rule Amplifies: 3714.02, 3714.06, 3734.02, 3734.05, 3734.07,
3734.09, 3734.12, 3734.44
Prior Effective Dates: 04/02/2012, 07/01/2020, 04/18/2022

3745-501-20 Procedures for the licensing authority for reviewing and considering license applications.

- (A) Not later than sixty days after the receipt of an incomplete application, the licensing authority shall notify the applicant of the nature of the deficiency. An application is complete when the application contains all of the information that the applicable statute and rules require to be submitted, including such other information as the licensing authority may reasonably require to determine that the application satisfies the requirements of the applicable statute and rules.
- (B) Not later than sixty days prior to issuing a license, the licensing authority shall inspect the facility and certify that the owner and operator are in substantial compliance with Chapter 3714. or Chapter 3734. of the Revised Code and the rules adopted thereunder.
- (C) Procedure.
- (1) When acting upon a facility license, the licensing authority shall follow the applicable procedures set forth in rule 3745-500-120 of the Administrative Code.
 - (2) In deciding whether to issue or deny a license, the licensing authority shall comply with rule 3745-501-15 of the Administrative Code.
 - (3) A renewal license application shall not be considered for issuance or denial for a facility where the owner or operator is required to conduct closure requirements in accordance with any applicable closure rule or where the owner or operator has failed to submit the license application to the licensing authority by December thirty-first of the current license period.
 - (4) Timeframes for license actions. The licensing authority shall either issue or deny a license as follows:
 - (a) For a renewal license, not later than ninety days after the date upon which a complete application is received.
 - (b) For a facility not previously licensed, not later than forty-five days after written concurrence from Ohio EPA and the approved board of health, if applicable, indicating that the site has been inspected and is prepared for operations pursuant to paragraph (A)(3) of rule 3745-501-15 of the Administrative Code.
 - (5) Terms and conditions. A licensing authority may impose such special terms and conditions as are necessary to protect public health and safety and the environment and to ensure that an owner and operator of a facility will comply with Chapter 3714. or Chapter 3734. of the Revised Code and the rules adopted thereunder.
- (D) Requirements after license issuance.
- (1) For a construction and demolition debris facility or construction and demolition debris processing facility, upon issuance of a license, the licensing authority shall stamp all copies of the license application and approved plans, specifications, and information with the date of license issuance.
 - (2) Copies of the signed license and stamped copies of the license application and approved plans, specifications, and information shall be retained and distributed by the licensing authority in accordance with rule 3745-500-130 of the Administrative Code.
- (E) License fees. For a solid waste facility, an infectious waste treatment facility, or a construction and demolition debris processing facility, the licensing authority shall collect the required license fees, including any

applicable late fees, and manage those funds in accordance with the applicable sections of Chapters 3714. and 3734. of the Revised Code and the rules adopted thereunder.

Effective: 4/18/2022

Five Year Review (FYR) Dates: 7/1/2025

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02, 3734.12
Rule Amplifies: 3714.02, 3714.022, 3714.06, 3714.09, 3734.02,
3734.05, 3734.07, 3734.08, 3734.12
Prior Effective Dates: 04/02/2012, 07/01/2020

3745-501-25 Remittance of fees after license issuance.

- (A) Not later than thirty days after issuance of a license for a solid waste facility, an infectious waste treatment facility, or a construction and demolition debris processing facility, the owner or operator shall remit a license fee in the amount established by section 3714.06, division (A) of section 3734.06, division (C) of section 3734.06, or section 3734.82 of the Revised Code, as applicable. For a solid waste facility or an infectious waste treatment facility, the license application fee shall be deducted from the license fee amount. Late fees for license applications shall not be deducted from the license fee amount.
- (B) The fee for the annual license shall be based on the following:
- (1) For a solid waste facility other than a solid waste transfer facility or scrap tire facility, the highest authorized maximum daily waste receipt that will be in effect in the year to which the license pertains, unless a temporary increase of ninety days or less is in effect.
 - (2) For a solid waste transfer facility, the amount specified in division (A)(5) of section 3734.06 of the Revised Code.
 - (3) For a scrap tire facility, one of the following:
 - (a) Two hundred dollars if the facility is a scrap tire collection facility. If the scrap tire collection facility is owned or operated by a motor vehicle salvage dealer licensed pursuant to Chapter 4738. of the Revised Code, the fee shall be fifty dollars.
 - (b) The authorized maximum daily waste receipt established in the permit to install for a scrap tire monocell or monofill facility in accordance with the schedule contained in division (B) of section 3734.82 of the Revised Code.
 - (c) The daily design input capacity as set forth in the registration certificate or permit to install for a scrap tire recovery facility, including a mobile scrap tire recovery facility in accordance with the schedule contained in division (A) of section 3734.82 of the Revised Code.
 - (d) One thousand dollars for every acre on which scrap tires are to be stored for a scrap tire storage facility during the license year. The total annual license fee for a scrap tire storage facility shall not exceed three thousand dollars. If the scrap tire storage facility is owned or operated by a motor vehicle salvage dealer licensed pursuant to Chapter 4738. of the Revised Code, the fee shall be one hundred dollars.
 - (4) For an infectious waste treatment facility, the maximum amount of infectious waste the facility is authorized to receive daily as established in the following, as applicable:
 - (a) The permit for the facility and any modifications to that permit issued under division (B)(2)(b) or (B)(2)(c) of section 3734.05 of the Revised Code.
 - (b) The annual license for the facility and any revisions to that license issued under division (B)(2)(a) of section 3734.05 of the Revised Code.
 - (5) For a construction and demolition debris processing facility, the amount specified in division (C)(2) of section 3714.06 of the Revised Code.
- (C) Any subsequent higher authorized maximum daily waste receipt or daily design input capacity authorized after the effective date of the license shall not be considered in determining the current license fee.

3745-501-25

Effective: 4/18/2022

Five Year Review (FYR) Dates: 7/1/2025

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.022, 3714.06, 3734.02
Rule Amplifies: 3714.022, 3714.06, 3734.02, 3734.05, 3734.06
Prior Effective Dates: 07/01/2020

3745-501-35 Transfer of licenses.**(A) License transfer requests.**

- (1) A solid waste facility or an infectious waste treatment facility licensee may request transfer of the license. Transfer of a license occurs upon written authorization from both the director and the approved board of health, if applicable.
- (2) A construction and demolition debris facility licensee or a construction and demolition debris processing facility licensee may request transfer of the license. Transfer of a license occurs upon written authorization from the licensing authority.
- (3) Licensee transfer procedures. The current licensee and transferee shall make an application to transfer a license on forms prescribed by the director. At a minimum, the application shall include the information specified in rule 3745-501-10 or 3745-501-12 of the Administrative Code as applicable, and the following:
 - (a) The transferee's name and contact information.
 - (b) Specification if the transferee is the owner or operator of the facility.
 - (c) The property to which the license pertains.
 - (d) The proposed date for transfer.
 - (e) Any other information deemed necessary by the director.

[Comment: For a solid waste facility or an infectious waste treatment facility license, the transferee is subject to the applicable requirements of division (E) of section 3734.41 of the Revised Code. The transferee for a construction and demolition debris facility or a construction and demolition debris processing facility license is subject to the requirements specified in division (A) of section 3714.052 of the Revised Code or division (D) of section 3734.42 of the Revised Code.]

(B) License transfer criteria. A license transfer request shall not be approved unless applicable criteria of Chapter 3714. or Chapter 3734. of the Revised Code and the following criteria are met:

- (1) The prospective license transferee meets the applicable requirements specified in rule 3745-501-15 of the Administrative Code.
- (2) The prospective license transferee has established and submitted documentation of financial assurance in accordance with Chapter 3714. or Chapter 3734. of the Revised Code and the rules adopted thereunder.

(C) License transfer procedures. When acting upon a license transfer request, the director or approved board of health shall follow the appropriate procedures set forth in rule 3745-500-120 of the Administrative Code.

3745-501-35

Effective: 4/18/2022

Five Year Review (FYR) Dates: 7/1/2025

CERTIFIED ELECTRONICALLY

Certification

04/07/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3714.02, 3714.022, 3734.02, 3734.12
Rule Amplifies: 3714.02, 3714.06, 3714.09, 3734.02, 3734.05,
3734.08, 3734.12, 3734.40
Prior Effective Dates: 04/02/2012, 07/01/2020

3745-501-40 Suspension or revocation of a license.

- (A) The licensing authority may suspend or revoke a license by order for any cause that would be grounds for suspension or revocation pursuant to Chapter 3714. or Chapter 3734. of the Revised Code and the rules adopted thereunder. Grounds include but are not limited to the following:
- (1) Entry pursuant to applicable law to inspect or investigate, obtain samples, and examine or copy records to determine compliance is refused, hindered, or thwarted.
 - (2) The owner or operator violates Chapter 3714. or Chapter 3734. of the Revised Code and the rules adopted thereunder.
 - (3) The facility is not being operated in substantial compliance with applicable environmental laws.
 - (4) A nuisance, fire hazard, or health hazard exists at the facility.
 - (5) Fraud, deceit, or misrepresentation and other grounds pursuant to section 3714.101 or section 3734.45 of the Revised Code.
- (B) Procedures for suspending a facility license. When suspending a facility license, the licensing authority shall do at a minimum the following:
- (1) The director shall act in accordance with applicable provisions of Chapters 119., 3714., 3734., and 3745. of the Revised Code. The approved board of health shall act in accordance with section 3709.20 and 3709.21 of the Revised Code and the applicable provisions of Chapters 3714. and 3734. of the Revised Code.
 - (2) Unless an emergency exists requiring immediate action to protect public health or safety or the environment, make a suspension of a license effective only after the licensee has been given notice in writing of the conditions or violations that need to be corrected and has been given a reasonable period of time to respond to the notice to make corrections.
 - (3) Issue a written order to suspend the license that contains at a minimum the following information:
 - (a) Information identifying the licensee and the facility.
 - (b) The findings upon which the suspension is based.
 - (c) The effective date of the order.
 - (d) A notice of appeal rights.
 - (4) Retain and distribute copies of the order suspending the facility license pursuant to rule 3745-500-130 of the Administrative Code.
- (C) Licensee procedures if a facility license has been suspended.
- (1) The acceptance of solid waste, infectious waste, or C&DD at the facility shall cease upon the effective date of the order suspending the facility license, unless the order suspending the facility license provides otherwise.
 - (2) The owner or operator shall comply with the operational requirements specified in the applicable rules.

(3) The acceptance of solid waste, infectious waste, or C&DD shall not recommence unless the licensing authority has by order reinstated the facility license.

(D) Licensing authority procedures for reinstating a suspended facility license.

(1) The licensing authority shall reinstate a suspended facility license through issuance of a written order. The written order shall at a minimum contain the following:

(a) Information identifying the licensee and the facility.

(b) The findings upon which the suspended license is reinstated.

(c) The effective date of the order.

(d) A notice of appeal rights.

(2) The licensing authority shall retain and distribute copies of the order reinstating the facility license pursuant to rule 3745-500-130 of the Administrative Code.

(E) Procedures for revoking a facility license. When revoking a facility license, the licensing authority shall comply with the applicable procedures set forth in rule 3745-500-120 of the Administrative Code.

3745-501-40

Effective: 7/1/2020

Five Year Review (FYR) Dates: 11/27/2019 and 07/01/2025

CERTIFIED ELECTRONICALLY

Certification

06/03/2020

Date

Promulgated Under: 119.03

Statutory Authority: 3714.02, 3734.02, 3734.12

Rule Amplifies: 3714.02, 3734.02, 3734.07, 3734.09, 3734.12,
3734.44, 3734.45

Prior Effective Dates: 04/02/2012

3745-501-75 Authorized maximum daily waste receipt.

- (A) The AMDWR for a facility as identified in the license shall be expressed in tons per day for facilities utilizing scales or cubic yards per day at the gate for all other facilities. The conversion factor between tons and cubic yards shall be one ton to three cubic yards unless the solid waste is baled, in which case a one-ton to one-cubic-yard conversion factor shall be used.
- (B) Temporary increase.
- (1) The owner or operator of a licensed solid waste facility may submit a written request to the director for a temporary increase in the facility's AMDWR. At a minimum, the request shall include the following:
 - (a) A discussion of the circumstances warranting the request, including any available documentation in support of the temporary increase, and how continued compliance with the existing AMDWR will affect public health and safety.
 - (b) The anticipated length of time the increase will be necessary.

[Comment: A temporary increase that is anticipated to exceed ninety days constitutes a modification and requires a permit to install application to be submitted to the director.]
 - (c) A discussion of how the operation of the facility will accommodate the temporary increase and ensure compliance with Chapter 3734. of the Revised Code and the rules adopted thereunder.
 - (d) Copies of the information sent in accordance with paragraph (B) of this rule.
 - (2) The owner or operator shall send via certified mail or any other form of mail accompanied by a receipt letters of intent to request a temporary increase in the facility's AMDWR to the following:
 - (a) The board of directors of each solid waste management district where the facility is located.
 - (b) In the case where the increased amount of solid waste is generated in Ohio but out of the district where the facility is located, the board of directors of each solid waste management district where the increased amount of solid waste is generated.
 - (c) The approved board of health, if applicable.
 - (3) The director may authorize a temporary increase in the AMDWR at a facility if the director determines that an emergency exists that has the potential to impact public health, safety, or the environment.
 - (4) If the increased waste receipt results in operational violations at the facility, the authorization shall automatically terminate upon written notification from the director.
 - (5) A request for a temporary increase that exceeds ninety days shall be authorized as follows:
 - (a) Conditionally upon the submittal of a permit to install application for a permanent increase in the AMDWR. A permit to install application shall be submitted not later than thirty days after the date of the director's authorization of the temporary increase. Failure to submit a permit to install application in accordance with this paragraph shall result in termination of the authorization upon written notification from the director.
 - (b) Such that the temporary increase be utilized in establishing the facility's annual license fee.
 - (6) A temporary increase for a facility shall not exceed one hundred eighty consecutive days.

- (7) An authorization for a temporary increase is not renewable.
- (8) A temporary increase cannot be issued where the director exercises authority under division (C)(1) of section 3734.53 of the Revised Code.

3745-501-75

Effective: 7/1/2020

Five Year Review (FYR) Dates: 07/01/2025

CERTIFIED ELECTRONICALLY

Certification

06/03/2020

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02
Rule Amplifies: 3734.05, 3734.06