

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

(A) A licensing authority shall not issue a facility license unless the following criteria are met:

- (1) The applicant for the license is the owner of the facility or operator of the facility who has written permission from the land owner to apply for the license.
- (2) The owner or operator holds a valid permit to install or a registration, if required by Chapter 3734. of the Revised Code and rules adopted thereunder.
- (3) In the case of an initial facility license where a permit to install or registration has been issued pursuant to Chapter 3734. of the Revised Code and rules adopted thereunder, the facility has been inspected by Ohio EPA and the approved health district, if applicable, and has been determined to be constructed in accordance with all authorizing documents and applicable rules and is adequately prepared for acceptance of solid waste.
- (4) The owner or operator has demonstrated that all 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.
- (5) The license application is complete pursuant to rule 3745-501-20 of the Administrative Code.
- (6) The owner or operator is not required to conduct closure in accordance with any applicable closure rule.
- (7) The owner or operator submitted the license application for renewal to the licensing authority by December thirty-first of the current license period.
- (8) 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 3734. of the Revised Code and rules adopted thereunder.
- (9) 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, environmental laws in this state and other jurisdictions. An owner or operator is not in substantial compliance with the environmental laws of this state or other jurisdictions 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.
- (10) The owner and operator, at facilities they own or operate or facilities they previously owned or operated, have maintained a history of compliance with environmental laws in this state and other jurisdictions 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.
- (11) 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.

(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 by the licensing authority.
- (3) For a solid waste facility, the following additional grounds:
  - (a) Falsification of any material information that is required to be submitted to a licensing authority as part of the license application.
  - (b) A violation of Chapter 3734. of the Revised Code, any rule adopted under that chapter, including a term or condition of the facility's license has occurred.

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CERTIFIED ELECTRONICALLY

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Certification

02/16/2012

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Date

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