

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 3734. of the Revised Code and 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 3734. of the Revised Code and 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) For a solid waste facility, fraud, deceit, or misrepresentation and other grounds pursuant to 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 least the following:
- (1) The director shall act in accordance with applicable provisions of Chapters 119., 3734., and 3745. of the Revised Code. The approved board of health shall act in accordance with section 3709.20 of the Revised Code and the applicable provisions of Chapter 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 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 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 information:
 - (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.

Effective: 04/02/2012

R.C. 119.032 review dates: 04/02/2017

CERTIFIED ELECTRONICALLY

Certification

02/16/2012

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.12
Rule Amplifies: 3734.02, 3734.07, 3734.09, 3734.12, 3734.44, 3734.45