

3745-50-39

Specific public notice procedures applicable to hazardous waste management permits.**(A) Pre-application public meeting and notice.**

- (1) Applicability. The requirements of paragraphs (A) to (A)(4)(b)(v) of this rule apply to all applicants seeking initial permits for hazardous waste management units. The requirements of paragraphs (A) to (A)(4)(b)(v) of this rule do not apply to applicants seeking renewal of permits for such units, permit modifications under rule 3745-50-51 of the Administrative Code, or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.
- (2) Prior to the submittal of a "Part B" permit application for a facility, the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.
- (3) The applicant must submit a summary of the meeting, along with the list of attendees and their addresses developed under paragraph (A)(2) of this rule, and copies of any written comments or materials submitted at the meeting, to Ohio EPA as a part of the "Part B" application, in accordance with paragraphs (A) to (A)(22) of rule 3745-50-44 of the Administrative Code.
- (4) The applicant must provide public notice of the pre-application meeting at least thirty days prior to the meeting. The applicant must maintain, and provide to Ohio EPA upon request, documentation of the notice.
 - (a) The applicant must provide public notice in all of the following forms:
 - (i) A newspaper advertisement. The applicant must publish a notice, fulfilling the requirements in paragraphs (A)(4)(b) to (A)(4)(b)(v) of this rule, in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the director will instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, where the director determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.
 - (ii) A visible and accessible sign. The applicant must post a notice on a

clearly marked sign at or near the facility, fulfilling the requirements in paragraphs (A)(4)(b) to (A)(4)(b)(v) of this rule. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.

- (iii) A broadcast media announcement. The applicant must broadcast a notice, fulfilling the requirements in paragraphs (A)(4)(b) to (A)(4)(b)(v) of this rule, at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the director.
 - (iv) A notice to Ohio EPA. The applicant must send a copy of the newspaper notice to Ohio EPA and to the appropriate units of state and local government, in accordance with 40 CFR 124.10(c)(1)(x).
- (b) The notices required under paragraphs (A)(4)(a) to (A)(4)(a)(iv) of this rule must include:
- (i) The date, time, and location of the meeting;
 - (ii) A brief description of the purpose of the meeting;
 - (iii) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
 - (iv) A statement encouraging people to contact the facility at least seventy-two hours before the meeting if they need special access to participate in the meeting; and
 - (v) The name, address, and telephone number of a contact person for the applicant.

(B) Public notice requirements at the application stage.

- (1) Applicability. The requirements of paragraphs (B) to (B)(3) of this rule apply to all applicants seeking initial permits for hazardous waste management units. The requirements of paragraphs (B) to (B)(3) of this rule also apply to applicants seeking renewal of permits for such units under rule 3745-50-40 of the Administrative Code. The requirements of paragraphs (B) to (B)(3) of this

rule do not apply to permit modifications under rule 3745-50-51 of the Administrative Code or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(2) Notification at application submittal.

- (a) The director will provide public notice as set forth in 40 CFR 124.10(c)(1)(ix), and notice to appropriate units of state and local government as set forth in 40 CFR 124.10(c)(1)(x), that a "Part B" permit application has been submitted to Ohio EPA and is available for review.
- (b) The notice must be published within a reasonable period of time after the application is received by the director. The notice must include:
 - (i) The name and telephone number of the applicant's contact person;
 - (ii) The name and telephone number of Ohio EPA's contact office, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;
 - (iii) An address to which people can write in order to be put on the facility mailing list;
 - (iv) The location where copies of the permit application and any supporting documents can be viewed and copied;
 - (v) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice; and
 - (vi) The date that the application was submitted.

- (3) Concurrent with the notice required under paragraph (B)(2) of this rule, the director must place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at Ohio EPA's office.

(C) Information repository.

- (1) Reserved.
- (2) The director may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the director will consider a variety of factors, including: the level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the director determines, at any time after submittal of a permit application, that there is a need for a repository, then the director will notify the facility that it must establish and maintain an information repository. [See paragraph (M) of rule 3745-50-58 of the Administrative Code for similar provisions relating to the information repository during the life of a permit].
- (3) The information repository must contain all documents, reports, data, and information deemed necessary by the director to fulfill the purposes for which the repository is established. The director will have the discretion to limit the contents of the repository.
- (4) The information repository must be located and maintained at a site chosen by the facility. If the director finds the site unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the director will specify a more appropriate site.
- (5) The director will specify requirements for informing the public about the information repository. At a minimum, the director will require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.
- (6) The facility owner/operator is responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the director. The director may close the repository at his discretion, based on the factors in paragraph (C)(2) of this rule.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

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Certification

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