

Criteria for approval, denial, suspension, or revocation of an annual registration certificate for a scrap tire transporter.

- (A) The director shall not approve any application for a registration certificate for a scrap tire transporter unless the director determines all of the following:
- (1) The application for a scrap tire transporter registration certificate, including an executed and funded financial assurance instrument, is complete in accordance with rule 3745-27-54 of the Administrative Code.
 - (2) The applicant will be capable of operating in accordance with rule 3745-27-56 and Chapter 3745-27 of the Administrative Code.
 - (3) The applicant or person listed as owner or operator of a scrap tire transportation business, who has previously or is currently responsible for the management or operation of one or more scrap tire transportation businesses, construction and demolition debris facilities, or solid waste facilities, has managed or operated such businesses or facilities in substantial compliance with applicable provisions of Chapters 3714., 3734., 6111., and 3704. of the Revised Code, and any rules adopted and permits, registration certificates, and licenses issued thereunder, and has maintained substantial compliance, at all facilities and businesses regulated under Chapters 3734. and 3714. of the Revised Code, with applicable provisions of Chapters 3704., 3714., 3734., and 6111. of the Revised Code and with all applicable orders issued by the director or the environmental review appeals commission, or courts having jurisdiction in accordance with applicable law, in the course of such previous or current management or operations. The director may take into consideration whether substantial compliance has been maintained with applicable provisions of Chapters 3714., 3734., 6111., and 3704. of the Revised Code and with any applicable order of a board of health maintaining a program on the approved list in Ohio and any other courts having jurisdiction.
 - (4) On the date the application for an annual registration certificate is received, any sorting area for scrap tires described in the application meets all of the following:
 - (a) Is being operated or can be operated in accordance with rule 3745-27-56 of the Administrative Code or an additional registration or permit as a scrap tire facility has been obtained.
 - (b) Is at least fifty feet from any building or structure not owned or leased by the applicant.
 - (c) Except for facilities which exclusively haul scrap tires which are generated within state or national parks or national recreation areas, the sorting area for scrap tires are not within any of the areas listed in paragraph (C)(3)(b) of rule 3745-27-54 of the Administrative Code.

- (d) Is at least one thousand feet from the areas and stream segments listed in paragraph (C)(3)(c) of rule 3745-27-54 of the Administrative Code.
- (B) The director may deny any application for an annual registration certificate for a scrap tire transporter if within thirty days of receipt of notification that the application is incomplete, the applicant has not done one of the following:
- (1) Notified the director, in writing, that the application is being withdrawn.
 - (2) Corrected noted deficiencies and resubmitted the application.
 - (3) Submitted a written request for and obtained approval of a thirty-day extension.
- (C) Revocation, denial, or suspension of the annual registration certificate.
- (1) The director may revoke an annual registration certificate if he concludes at anytime that any applicable laws have been or are likely to be violated.
 - (2) The director may deny, suspend, or revoke the transporter registration certificate for failure to submit a full, accurate and timely annual report. A transporter shall respond to a letter of deficiency in the annual report within fifteen days or the registration certificate may be suspended for thirty days. The director may revoke or deny the transporter registration certificate for failure to respond by the end of this thirty-day suspension.
 - (3) The director may deny, suspend, or revoke the transporter registration certificate for failure to comply with director's orders to remove and properly dispose of scrap tires, which were either:
 - (a) Delivered by the transporter to a location not authorized to receive scrap tires by Chapter 3745-27 of the Administrative Code.
 - (b) Open dumped by the transporter.
 - (4) The director may deny, suspend, or revoke the transporter registration certificate for failure to comply with rule 3745-27-79 of the Administrative Code where either of the following occurred:
 - (a) A fire occurred involving the transporter's vehicle and the scrap tires the vehicle was hauling.
 - (b) Open burning of scrap tires occurred at either of the locations described in paragraph (C)(3)(a) or (C)(3)(b) of this rule.

(D) Upon final denial of the registration certificate, the transporter shall complete closure in accordance with paragraph (H) of rule 3745-27-56 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

Certification

10/18/2007

Date

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