

**3745-37-03 Criteria for issuing solid waste facility licenses, infectious waste treatment facility licenses, or construction and demolition debris facility licenses.**

- (A) The board of health or the director, whichever is applicable, shall not issue a solid waste facility license unless:
- (1) A permit to install, if required by section 3734.05 of the Revised Code has been obtained by the applicant; and
  - (2) Detail plans have been approved by the director, if required by section 3734.05 of the Revised Code; and
  - (3) In the case of a previously or currently operating site or facility, the applicant operated the facility in substantial compliance with all applicable provisions of Chapter 3734. of the Revised Code and with Chapters 3745-27 and 3745-37 of the Administrative Code during the period of effectiveness of the last license held for the facility; and
  - (4) In the case of new facilities, the facility is adequately prepared for operations, and has been inspected by the health commissioner and by the director or his authorized representative; and
  - (5) The person identified as the operator of the facility is competent and qualified to operate the facility in substantial accordance with Chapter 3734. of the Revised Code and Chapters 3745-27 and 3745-37 of the Administrative Code; and
  - (6) The solid waste facility treating infectious waste has an infectious waste notation and has met the requirements under rule 3745-27-32 of the Administrative Code.
- (B) The board of health or the director, whichever is applicable, shall not issue an infectious waste treatment facility license unless:
- (1) A permit to install, if required by section 3734.05 of the Revised Code, has been obtained by the applicant; and
  - (2) Detail plans have been approved by the director, if required by division (B)(2)(e) of section 3734.05 of the Revised Code; and

- (3) In the case of a previously or currently operating site or facility, the applicant operated the facility in substantial compliance with all applicable provisions of Chapter 3734. of the Revised Code and with Chapters 3745-27 and 3745-37 of the Administrative Code during the period of effectiveness of the last license held for the facility; and
  - (4) In the case of new facilities, the facility is adequately prepared for operations, and has been inspected by the health commissioner and by the director or his authorized representative; and
  - (5) The person identified as the operator of the facility is competent and qualified to operate the facility in substantial accordance with Chapter 3734. of the Revised Code and Chapters 3745-27 and 3745-37 of the Administrative Code.
- (C) The licensing authority shall not issue a construction and demolition debris facility license unless:
- (1) All portions of the proposed facility meet the requirements contained in rule 3745-400-06 of the Administrative Code; and
  - (2) The applicant has operated the facility in substantial compliance with all applicable provisions of Chapter 3714. of the Revised Code and with Chapters 3745-400 and 3745-37 of the Administrative Code; and
  - (3) The owner or operator, who has previously or is currently responsible for the management or operation of one or more facilities licensed under Chapters 3714. or 3734. of the Revised Code, has managed or operated such facility in substantial compliance with applicable provisions of Chapters 3714., 3704., 3734., and 6111. of the Revised Code, and any rules and permits issued thereunder, and has maintained compliance with all applicable orders issued by the director, or from a board of health maintaining a program on the approved list, the environmental board of review, or courts having jurisdiction in accordance with Chapter 3746-13 of the Administrative Code, in the course of such previous or current management or operations.
- (D) The licensing authority of a construction and demolition debris facility may impose such special terms and conditions as are appropriate or necessary to ensure that the facility will comply with Chapter 3714. of the Revised Code and Chapter 3745-400 of the Administrative Code, and to protect public health and safety and the environment.

**HISTORY:** Eff 7-29-76; 5-1-90; 9-30-96