

**3745-37-09 Return of solid waste facility, infectious waste treatment facility, and construction and demolition debris facility licensing function to health districts.**

- (A) The director shall return the solid waste facility licensing and infectious waste treatment facility licensing and construction and demolition debris facility licensing function to a health district from which he has taken the licensing function pursuant to section 3734.08 and division (A) of section 3714.09 of the Revised Code and rule 3745-37-08 of the Administrative Code if he determines that the health district is both capable of and willing to enforce all applicable requirements of Chapters 3734. and 3714. of the Revised Code and Chapters 3745-27, 3745-400, and 3745-37 of the Administrative Code.
- (B) The director shall return the construction and demolition debris facility licensing function to a health district from which he has taken the licensing function pursuant to division (B) of section 3714.09 of the Revised Code and rule 3745-37-08 of the Administrative Code if he determines that the health district is both capable of and willing to enforce all applicable requirements of Chapter 3714. of the Revised Code and Chapters 3745-400 and 3745-37 of the Administrative Code.
- (C) The director shall place a health district not currently on the solid and infectious wastes program approved list on the construction and demolition debris facility program approved list if he determines that the health district is both capable and willing to enforce all applicable requirements of Chapter 3714. of the Revised Code and 3745-400 and 3745-37 of the Administrative Code.
- (D) In making the determination required in paragraph (A) or (B) of this rule, the director shall take into consideration:
  - (1) (a) Changes in or additions to the staff; and
  - (b) Increases in the funds available to the health district for enforcement of Chapters 3734. and/or 3714. of the Revised Code and Chapters 3745-27, 3745-400, and 3745-37 of the Administrative Code; and
  - (c) For the construction and demolition debris facility licensing function, staff credentials as required in paragraph (D)(11) of rule 3745-37-08 of the Administrative Code; and

- (2) Written assurances from the health district of increased efforts on the part of the district; and
  - (3) Decreases in the number or complexity of the solid waste facilities, infectious waste treatment facilities, or construction and demolition debris facilities that would be within the health district's jurisdiction; and
  - (4) Any other factor that indicates to the director that the health district meets the criteria set forth in paragraph (A) or (B) or (C) of this rule.
- (E) If the director makes the determination described in paragraph (A) or (B) or (C) of this rule, he shall promptly:
- (1) Enter such determination into his journal; and
  - (2) Notify the health district of his determination by certified mail; and
  - (3) Publish notice of his determination in the Ohio EPA "Weekly Review"; and
  - (4) Publish notice of his determination in a newspaper of general circulation in the area within the jurisdiction of the health district.

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