

**Solid waste, infectious waste treatment, and construction and demolition debris facility license applications.****(A) Application.**

(1) The applicant for a solid waste, infectious waste treatment, or construction and demolition debris facility license shall be either the owner or operator of the facility. Applications for facility licenses required by rule 3745-37-01 of the Administrative Code shall be made on forms prescribed by the director and shall contain such information as the director may require.

(2) If the licensing authority determines that an application is incomplete, it shall, within thirty days of the receipt of an incomplete application, notify the applicant of the nature of the deficiency. If the applicant has not completed the application and resubmitted it to the licensing authority within thirty days after the date of the notice, the licensing authority may deny the incomplete application. At a minimum, an application shall be deemed to be incomplete where the applicant wholly or completely fails to provide the essential information required in the license application or as otherwise required by rule or law.

[Comment: Some examples of incomplete license applications may include the following: failure to fill out appropriate blanks on the application, identifying a person other than the owner or operator as the applicant, failure of the owner or operator to sign the license application, failure to include the application fee with application, failure to include appropriate financial assurance with a construction and demolition debris license application.]

(3) If the licensing authority determines that information in addition to that required by the application form and/or this rule is necessary to determine whether the application satisfies the requirements of Chapters 3745-27, 3745-29, 3745-30, 3745-37 and/or 3745-400 of the Administrative Code, the license applicant shall, upon request, supply such additional information necessary to satisfy those rule requirements.

(4) The owner or operator of a solid waste facility or an infectious waste treatment facility proposing to operate a new facility shall, within thirty days of submitting a license application to the licensing authority, publish prominent notice of the license application in a newspaper of general circulation in the county in which the facility is located. The notice shall indicate the name and location of the facility, the name(s) of the prospective owner and operator, the facility location, and type of facility. The owner or operator shall submit verification of the published notice to the licensing authority within fourteen days of the published date of the notice.

(5) An applicant for a construction and demolition debris facility license shall submit a license application in accordance with Chapter 3745-37 and rule

3745-400-15 of the Administrative Code, and shall submit three copies of the application to the licensing authority.

(6) The owner or operator of a construction and demolition debris facility shall not modify the facility, as specified in rule 3745-400-15 of the Administrative Code, prior to the facility licensee obtaining a license authorizing the modification from the licensing authority. To obtain authorization to modify the facility, the owner or operator shall submit a license application in accordance with rule 3745-400-15 of the Administrative Code.

(7) The owner or operator of a construction and demolition debris facility proposing to operate a new facility or modify an existing facility shall, within thirty days of submitting a license application to the licensing authority, publish prominent notice of the license application in a newspaper of general circulation in the county in which the facility is located, unless the application proposes to change the inactive and active disposal areas without altering the previously authorized limits of construction and demolition debris placement. The notice shall indicate the name and location of the facility, the name(s) of the prospective owner and operator, the facility location, the type of facility, and the number of acres of the active licensed disposal area specified in the license application. The owner or operator shall submit verification of the published notice to the licensing authority within fourteen days of the published date of the notice.

(B) Signature. Applications for licenses required by rule 3745-37-01 of the Administrative Code shall be signed by the owner or operator of the facility in accordance with the following:

(1) In the case of a corporation, by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility.

(2) If the owner or operator is an organization other than a corporation, the application shall be signed by a member, partner, or other officer having direct responsibility for the facility.

(3) In the case of sole proprietorship, by the owner.

(4) In the case of a municipal, state, federal or other governmental facility, by the principal executive officer, the ranking elected official, or other duly authorized employee.

(C) Affirmation. Each signature on a license application shall constitute personal affirmation that all statements or assertions of fact made in the application are true, complete, and comply fully with applicable state requirements, and shall subject the signatory to liability under applicable state laws concerning the submittal of false or misleading statements. The signatures shall constitute an agreement that the

signatories shall assume responsibility for compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code and the rules promulgated thereunder, as applicable.

(D) Time frame for application submittal. Complete license applications shall be considered only if submitted to the licensing authority in accordance with the following:

(1) For new facilities, at least ninety days prior to the proposed date for accepting waste or debris.

(2) For facilities that will continue operations beyond December thirty-first, on or before the last day of September of the year preceding that for which the renewal license is sought.

(3) Any solid waste facility or infectious waste treatment facility renewal license application submitted to the licensing authority between October first and December thirty-first of the current license period may be considered by the licensing authority if the owner or operator pays the license application fee and the late fees specified in division (A) of section 3734.05 or division (A) of section 3734.81 of the Revised Code.

(4) Any renewal license application not submitted to the licensing authority by December thirty-first of the current license period shall not be considered for approval or denial, and the facility will be subject to all applicable closure requirements.

[Comment: Chapter 3734. of the Revised Code requires an applicant for a permit or a registration to concurrently submit an initial application for an operating license even though the facility is not yet constructed or operating.]

Replaces: 3745-37-02

Effective:

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Certification

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Date

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