

***** DRAFT – NOT FOR FILING *****

3745-520-350

Suspension of a permit to install.

(A) At a minimum, the permitting authority may order the suspension of a permit to install if any of the following occur:

(1) Falsification of material information pursuant to section 3714.101 of the Revised Code.

(2) A violation of any section of Chapter 3714. of the Revised Code or any rule adopted thereunder.

(3) A violation of a term or condition of the C&DD facility's permit.

(4) Entry to the C&DD facility is refused or inspection or investigation is refused, hindered, or thwarted.

(5) The C&DD facility is not being operated or constructed in substantial compliance with applicable provisions of Chapter 3704., 3734., or 6111. of the Revised Code or any rules adopted under those chapters.

(6) The C&DD facility is not being operated or constructed in substantial compliance with authorizing documents.

(7) The director or approved board of health determines that construction at the C&DD facility has caused or is likely to cause the following:

(a) Slope stability failure.

(b) Improper installation or failure of an engineered component at the facility.

(c) A nuisance, fire hazard, health hazard, or a threat to public health, safety, or the environment, or cause or contribute to water pollution or air pollution.

(8) The director or approved board of health determines the following:

(a) Information has become known after issuance of the permit to install about circumstances related to the C&DD facility or the owner, operator, or permittee.

(b) The circumstances related to the C&DD facility or the owner, operator, or permittee existed prior to issuing the permit to install.

(c) If the information had been known prior to issuing the permit to install then one of the following would have occurred:

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(i) The permit to install would not have been issued without revisions to the application.

(ii) The permit to install would have been issued with different terms or conditions.

(iii) The permit to install would have been denied.

(B) Procedures for suspending a permit to install. When suspending a permit to install, the permitting authority shall do at least the following:

(1) If the director is the permitting authority, act in accordance with Chapters 119., 3714., and 3745. of the Revised Code.

(2) If the approved board of health is the permitting authority, act in accordance with Chapter 3714. and section 3709.20 of the Revised Code.

(3) Provide notice of the intention to suspend the permit to install to the permittee prior to issuance of the written order required by paragraph (B)(4) of this rule.

(4) Issue a written order to suspend the permit to install that contains at a minimum the following information:

(a) Information identifying the permittee and the C&DD facility.

(b) The findings upon which the suspension is based.

(c) The effective date of the order.

(d) A notice of appeal rights.

(5) Retain and distribute copies of the order suspending the permit to install pursuant to rule 3745-500-130 of the Administrative Code.

(C) Permittee procedures if a permit to install has been suspended.

(1) Construction of all engineered components included in the facility design plan of the permit to install shall cease upon the effective date of the order suspending the permit to install, unless the order suspending the permit to install provides otherwise.

(2) A permittee may submit a written request for removal of the suspension of a permit to install to the approved board of health or to the director in the absence of an approved board of health. The request shall include at a minimum the following:

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- (a) Information that demonstrates that the grounds for suspension listed in paragraph (A) of this rule have been eliminated.
 - (b) A description of the actions that will be taken to prevent the grounds for suspension from reoccurring.
 - (3) If the permittee submits a request for removal of the suspension of a permit to install to the approved board of health, the permittee shall notify Ohio EPA of the submittal of a request concurrent to submitting the request to the approved board of health. The notification shall be in writing and shall contain sufficient detail to understand the scope and nature of the request.
 - (4) Suspended activities shall not recommence unless the request for removal of the suspension of a permit to install is approved through an order issued by the permitting authority.
- (D) Permitting authority procedures for removing a suspension of a permit to install.
- (1) A suspension shall not be removed from a permit to install until the following have occurred:
 - (a) The permittee has complied with paragraph (C) of this rule.
 - (b) Conditions or violations cited as the reason for the suspension have been remedied.
 - (2) The permitting authority shall remove a suspension from a permit to install through issuance of an order when the permittee has complied with paragraph (C) of this rule and the conditions or violations cited as the reason for the suspension have been remedied.
 - (3) Copies of an order removing a suspension from a permit to install shall be retained and distributed pursuant to rule 3745-500-130 of the Administrative Code.