

## **BACKGROUND CHECK REVIEW PROCESS AND COMMITTEE**

### **General Responsibilities of the Chairperson**

- \* Coordinates of Background Check Committee (BCC) issues as appropriate with DSIWM personnel, Director's Office, AGO
- \* Assigns review of investigation reports to enforcement staff
- \* Chairs BCC meetings
- \* Performs administrative functions (agendas, minutes, etc.)

### **Process for Recommendation of Committee**

- \* Democratic vote; majority rule
- \* Members have abstention rights

### **Standing of Members**

- \* Voting Members
  - \* District Office Unit Supervisors: 1 vote each
  - \* Chairperson (Enforcement Coordinator): 1 vote
- \* Non-Voting Members - Technical/Advisory Support
  - Supervisor, Solid & Infectious Waste Enforcement Unit, Central Office
  - \* Chief, DSIWM
  - \* Deputy Director of Legal Affairs or designate
  - \* Enforcement Unit Staff Person (Reviewer of Investigation Report)
  - \* Supervisor, Infectious Waste Unit, Central Office (participation required only at times when Investigation Reports are being reviewed for infectious waste facilities)

### **Forum for Providing Recommendation from Committee**

- \* Confidential recommendations of the BCC will be transmitted via memorandum from the BCC Chairperson through the DSIWM Chief to the Deputy Director of Legal Affairs

### **Review Process by Staff Person Assigned; Method of Relaying Information**

- \* Charged with reviewing of the investigation report, including any recommendations made by AGO, obtaining additional information as necessary, and providing a memo to BCC Chairperson with summary of said review which includes necessary details on any exceptions found.

### Documents to be Made Available to BCC Members Prior to Meetings

- \* Copy of staff persbn's memo to BCC Chairperson summarizing his/her review
- \* Copy of Investigation Report upon request

### Written Guidelines/Criteria for Review

- \* Although review will be handled on a case by case basis, the following general guidance provides key areas for consideration and outlines the statutory requirements regarding background investigations.

#### ORC 3734.44(A)

Does the applicant or permittee exhibit sufficient reliability, expertise, and competence to operate the facility(ies), given the potential for harm to human health and the environment that could result from the irresponsible operation?

#### ORC 3734.44(B)

Have any individuals or business concerns required to listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or permit-tee, been convicted of certain crimes listed in the statute? (Includes but is not limited to the following: murder; kidnapping; gambling; robbery; bribery; extortion; criminal usury; arson; burglary; theft and related crimes; forgery and fraudulent practices; fraud in the offering, sale, or purchase of securities; alteration of motor vehicle identification numbers; unlawful manufacture, purchase, use, or transfer of firearms; unlawful possession or use of destructive devices or explosives; possession of specified types/amounts of drugs; etc.)

#### ORC 3734.44(C)

If any individual or business concerns have been convicted of any of the” crimes specified in ORC 3734.44(B), have the individuals or business concerns demonstrated rehabilitation by a preponderance of the evidence?

Individual: rehabilitation established if five years have elapsed since the individual was fully discharged from imprisonment, probation, and parole for the offense.

**Business concern:** rehabilitation established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations. Such controls may include, without limitation, environmental auditing programs and anti-trust compliance auditing programs.

In determining whether an applicant has affirmatively demonstrated rehabilitation, the director shall request a recommendation from the Attorney General.

ORC 3734.44(D)

Does the applicant or permittee have a history of compliance with environmental laws in this state and other jurisdictions and is presently in substantial compliance with, or on a legally enforceable schedule that will result in compliance environmental laws in this state and other jurisdiction?

- ~ Types/frequency of violations?
- ~ Penalties paid?
- ~ U.S. history of compliance?
- ~ Ohio history of compliance - former & current sites?
  - \* Improvement in operations?
  - \* Reduction in NOVs?
  - \* Reduction in enforcement actions?
  - \* Employee changes/training?

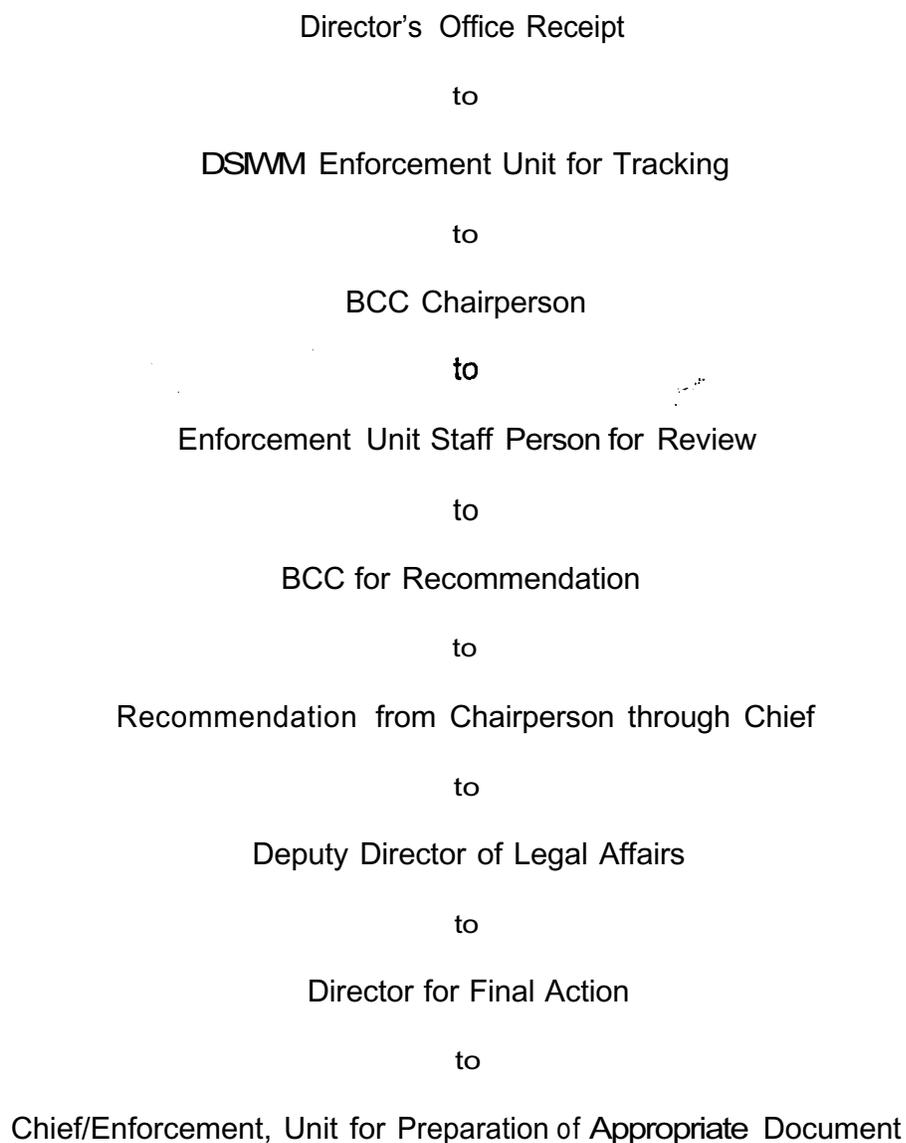
ORC 3734.44(E)

Are there any current prosecutions or pending charges in any jurisdiction for any of the offenses listed in ORC 3734.44(B) against any individual or business concern required to be listed in the disclosure statement, or shown to have a beneficial interest in the business of the applicant or permittee?

**BCC Meeting Schedule, Agendas, Minutes**

- \* BCC meetings will be scheduled and called by the Chairperson as appropriate
- \* Not all Investigation Reports will be brought before the full committee due to the lack of issues contained therein
- \* Agendas and minutes will be written by the Chairperson and considered confidential

**BACKGROUND CHECK/INVESTIGATION R E P O R T  
FLOW CHART**



Effective Date: September 1993