



## File of Information for Exemptions and Licenses

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### Applicable Rules and Statutes

OAC 3745-37-08(D)(12)

OAC 3745-37-03(D)

ORC 3714.06

ORC 3714.09

ORC 3714.10

### Purpose

The purpose of this document is to explain the licensing authority requirement to keep on file information relating to each exemption and each "special term and condition" for construction and demolition debris (C&DD) facilities. This document will also explain Ohio EPA's annual review of the health district's file of information.

### Applicability

This guidance document is applicable to all Ohio EPA approved health districts and the Ohio EPA when acting as the licensing authority.

### Definitions

Ohio Administrative Code (OAC) Rule 3745-400-01(Y) defines Licensing Authority as "a city or general health district as created by or under authority of Chapter 3709 of the Revised Code, which is on the approved list in accordance with section 3714.09 of the Revised Code; or the director where the health district is not on the approved list."

### Background

#### AUTHORITY FOR LICENSE TERMS AND CONDITIONS AND EXEMPTION ORDERS

In accordance with OAC Rule 3745-37-03(D), the licensing authority of a C&DD facility may impose such special terms and conditions as are appropriate or necessary to ensure that the owner or operator of the facility will comply with Chapter 3714 of the Revised Code and Chapter 3745-400 of the Administrative Code. Any special terms or conditions will be stated in the license.

Pursuant to ORC 3714.04, the director of environmental protection or the board of health of an approved health district may, by order, exempt any person disposing of or proposing to dispose of C&DD in such quantities or under such circumstances that are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard.

#### REQUIREMENTS

OAC 3745-37-08(D)(12) requires that the health district maintain a file of information relating to each special term and/or condition imposed with each license issued and each exemption order issued (including any terms and conditions associated with the order). The file shall include a copy of each license issued that contains special terms and conditions and of each exemption order issued as well as the health district's written justification for each action.

#### CONTENTS OF FILE

The purpose of maintaining the file is to keep a clear record of the terms and conditions and exemptions issued. According to ORC 3714.10, the board of health of the health district or the director of environmental protection may deny, suspend, or revoke a license for the facility for violation of a term or condition of the facility's license. When district offices conduct

their annual survey of health districts, the review of the facility's terms and conditions file for completeness will be included in the process of Ohio EPA's annual survey.

Attached is a document titled "Review Summary for C&DD Licenses and Modifications." This document can be used by the licensing authority to outline any special terms and conditions and exemptions that are to be issued in a facility's license or order to modify.

#### MAINTAINING THE FILE

Ohio EPA's review of the health districts' files includes ensuring that all the documentation is complete, in order, and incorporated into the file. If the health district does not keep a record of the terms and conditions and any exemptions issued to C&DD facilities, the director may determine that the health district is not in substantial compliance with Chapter 3714 of the Revised Code. Upon making this determination, the director can then remove the health district from the C&DD program approved list, as stated in ORC 3714.09.

#### **Procedure**

In summary, there are two processes to follow for maintaining information on special terms and conditions and exemption orders. The first process outlines the procedure when Ohio EPA is the licensing authority. The second process outlines the procedure when the health district is the licensing authority.

#### OHIO EPA AS LICENSING AUTHORITY

When the district office reviews a license application, modification, or exemption, they can use the attached "Review Summary for C&DD Licenses and Modifications" to outline the justification for any special terms and conditions and exemptions. (This form provides a format for presenting the written justification.) Upon approval or denial of a facility's license application, the review summary would be placed in the facility's file, with a copy of the license, modification or exemption. The information should be attached to the license and to the exemption.

#### HEALTH DISTRICT AS LICENSING AUTHORITY

If the health district reviews a license application, modification, or exemption, they have the option of using the attached "Review Summary for C&DD Licenses and Modifications." Upon approval or denial of a facility's license application, modification, or exemption, the review summary, if used, would be placed in the facility's file, with a copy of the license, modification or exemption. If the review summary is not used, some other mechanism to record the justification for special terms and conditions and exemptions is suggested. During the Ohio EPA's annual survey of approved health districts where the C&DD program is approved, the Ohio EPA will review the C&DD facility file on special terms and conditions and exemptions for completeness.

#### **Contact**

If you have questions regarding this document or would like additional information, please contact:

Central District Office DMWM Supervisor (614) 728-3778

Northeast District Office DMWM Supervisor (330) 963-1200

Northwest District Office DMWM Supervisor (419) 352-8461

Southeast District Office DMWM Supervisor (740) 385-8501

Southwest District Office DMWM Supervisor (937) 285-6357

Central Office Authorizing Actions and Engineering Unit (614) 644-2621

#### **Disclaimer**

This document is intended for guidance purposes only. Completion of the activities and procedures outlined in this document shall not release an owner or operator from any requirement or obligation for complying with Ohio Revised Code (ORC) Chapter 3734 or 3714 if appropriate, the OAC rules adopted thereunder, or any authorizing documents or orders issued thereunder, nor shall it prevent Ohio EPA from pursuing enforcement actions to require compliance with ORC Chapter 3734 or 3714, the OAC rules or any authorizing documents or orders issued thereunder.

REVIEW SUMMARY for C&DD LICENSES and MODIFICATIONS  
(attach additional sheets as necessary)

APPLICANT: \_\_\_\_\_

Application (Check any that apply):

<u>License</u>	<u>Modify License</u>	<u>Modify Facility</u>
<input type="checkbox"/> Initial Application	<input type="checkbox"/> License Transfer	<input type="checkbox"/> Extend Limits of Debris Placement
<input type="checkbox"/> Subsequent Application	<input type="checkbox"/> Change Terms and Conditions	<input type="checkbox"/> Extend Active Licensed Disposal Area
	<input type="checkbox"/> Other	<input type="checkbox"/> Change of Facility Operations
		<input type="checkbox"/> Other

Describe the current regulatory controlling document which the facility is operating under, including dates (HD issued license, Application to Modify the C&DD facility, Licenses, NOD's, exemptions pursuant to ORC 3714 or 3734).

Does the DO have a copy?    Yes    No

Is the facility in compliance with the current regulatory controlling document?

Yes    No

Is this license a replacement for a previously denied license or application to modify?

If yes, describe the shortcomings of the denied license, and explain what was revised to make the application approvable. It is not necessary to include all design details, but include information about all significant shortcomings and revisions. Certainly the correction of all previous "reasons for denial" must be discussed.

REVIEW SUMMARY for C&DD LICENSES and MODIFICATIONS  
(attach additional sheets as necessary)

Does this recommendation include any exemptions?

Yes  No

Exemption from one-hundred year floodplain?

Yes  No

Alternatives to ground water monitoring?

Yes  No

Exemption to accept solid waste?

Yes  No

If so, list them and explain the justification for the exemption(s) in less bureaucratic terms than the actual exemption F&O language (i.e. don't write "... will be protective of human health and the environment").

Has the applicant shown the previously approved debris limits and Authorized Limits of Debris Placement (ALDA) clearly somewhere on the proposed plans?

If not, or if it is difficult to ascertain, describe how the current debris limits and Authorized Limits of Debris Placement (ALDA) compare to the plan. (NOTE: This part not applicable to License Modifications).

Explain any other alternatives or deviations from the rules which do not require formal exemptions but are significant (under language such as "...deemed acceptable by the Director...", etc.).

REVIEW SUMMARY for C&DD LICENSES and MODIFICATIONS  
(attach additional sheets as necessary)

Explain the justification for any license conditions that are additional to the standard conditions or changes to the license conditions (cite the condition number and topic).

**Provide the following information:**

**Acreage** (include past approved, this approval, and previously filled, as applicable) Refer to OAC 3745-37-02(E)

<b>Acreage - Past Approved</b>		<b>Acreage - This Approval</b>	
Limits of debris placement	_____	Limits of debris placement	_____
Active licensed disposal area	_____	Active licensed disposal area	_____
Inactive licensed disposal area (i)	_____	Inactive licensed disposal area (i)	_____
Inactive licensed disposal area (ii)	_____	Inactive licensed disposal area (ii)	_____
Inactive licensed disposal area (iii)	_____	Inactive licensed disposal area (iii)	_____

**Life Expectancy** (for informational purposes only):

Previously approved \_\_\_\_\_

Life expectancy of this approval \_\_\_\_\_

Describe any coordination efforts that were necessary with other OEPA divisions such as DAPC, DWPC, DHWM, or DERR, or other Agencies, such as ODNR, or the Army Corps of Engineers. Give the status of any other necessary permits.

ODNR Division of Reclamation Permit Necessary?  Yes  No

Reclamation Bond Necessary?  Yes  No

REVIEW SUMMARY for C&DD LICENSES and MODIFICATIONS  
(attach additional sheets as necessary)

Describe the level of public involvement for this facility. Discuss the involvement of any organized groups or especially active citizens by name and explain the "hot" issues.