



Ohio Administrative Code

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

Effective: November 7, 2024

(A) The director may return the solid waste facility licensing and infectious waste treatment facility licensing and construction and demolition debris facility and construction and demolition debris processing facility licensing function to a health district from which the director 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 the director 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 3745-500 to 3745-599 of the Administrative Code, as applicable.

(B) The director may return the construction and demolition debris facility and construction and demolition debris processing facility licensing function to a health district from which the director 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 the director 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 3745-501 of the Administrative Code.

(C) The director may place a health district not currently on the solid and infectious wastes program approved list on the construction and demolition debris facility and construction and demolition debris processing facility program approved list if the director 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 3745-501 of the Administrative Code.

(D) In making a determination pursuant to paragraph (A) or (B) of this rule, the director may take the following into consideration:

(1) Changes in or additions to the staff.



- (2) Increases in the funds available to the health district for enforcement of Chapters 3734. and 3714. of the Revised Code and Chapters 3745-27, 3745-400, and 3745-500 to 3745-599 of the Administrative Code, as applicable.
 - (3) For the construction and demolition debris facility licensing function, staff credentials as specified in paragraph (D)(11) of rule 3745-37-08 of the Administrative Code.
 - (4) Written assurances from the health district of increased efforts on the part of the district.
 - (5) Decreases in the number or complexity of the solid waste facilities, infectious waste treatment facilities, construction and demolition debris facilities, or construction and demolition debris processing facilities that would be within the health district's jurisdiction.
 - (6) Any other factor that indicates to the director that the health district meets the criteria set forth in paragraphs (A) to (C) of this rule.
- (E) If the director makes a determination pursuant to paragraphs (A) to (C) of this rule, the director shall do the following:
- (1) Enter such determination into the director's journal.
 - (2) Notify the health district of the director's determination by certified mail or any other form of mail accompanied by a receipt.
 - (3) Publish notice of the director's determination in the Ohio EPA "Weekly Review."