

**Rule Summary and Fiscal Analysis (Part A)****Ohio Environmental Protection Agency**

Agency Name

**Division of Solid and Infectious Waste  
Management (DSIWM)**

Division

**Bruce McCoy**

Contact

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**3745-37-04**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**Action by board of health or director.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3734.05**

5. Statute(s) the rule, as filed, amplifies or implements: **3734.05**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To comply with RC 119.032 and to rescind and resubmit as new because changes are greater than fifty percent.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

Timeframes for granting or denying facility licenses.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **3/15/2002**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$ 0.00

This proposed rule will not change the Agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Item: Not applicable.

Expenditure: Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The proposed changes are not expected to either increase or decrease the cost of compliance to the regulated community. This rule is to be rescinded. Please see the new 3745-37-04

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **Yes**

You must complete the Environmental rule Adoption/Amendment Form in order to comply with Am. Sub. 106 of the 121st General Assembly.

**Environmental Rule Adoption/Amendment Form**

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
  - (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
  - (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
  - (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.
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(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted ? **Yes**

Please list each contact.

Approximately 500 interested parties, including approved health districts, licensed facilities, and environmental and public interest groups were notified of the draft rules and comment period. The full mailing list is available upon request.

(B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered ? **Yes**

Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)

A 1999 survey conducted by the Ohio Environmental Health Association Workgroup.

(C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program ? **No**

Is the proposed rule or rule amendment more stringent than its federal counterpart ? **No**

(D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? **No**

Not Applicable

## Responsiveness Summary for Comments Received on the Draft Licensing Rules dated October 2001

*This document summarizes the interested party comments received on the draft Licensing Rules dated October 2001 with the Agency's response to those comments.*

*In an effort to help you review this document, the Agency has organized the information in a consistent format and used different fonts to distinguish among comments, responses, and draft rule language changes. The document is organized as follows:*

- **Comment #:** This section provides a summary of interested party comments by similar or general subject type. In most instances, these are direct quotes from interested party comments.
- **Response #:** *This section has language in italics and summarizes the Agency's response to the corresponding comment section.*
- **Revised Rule Language #:** This section provides you with the revised rule language reflecting any change in response to interested party comment. In this section, **bold text** denotes new language and ~~lined out text~~ denotes language to be deleted.

*Minor punctuation and format corrections to be included in the proposed rules are not summarized in this document.*

*Finally, it should be noted that a significant number of changes have been made in response to interested party comments. The changes summarized in this document are included in the proposed rules filed with the Joint Committee on Agency Rule Review (JCARR). As proposed rules, there will be a formal public comment period and hearing where interested parties can again make comments. The Agency will review these comments and make appropriate revisions prior to finalizing the proposed rules.*

**Comment 1: 3745-37-01(D).** Current regulations, under OAC 3745-400-12(B) identify the events which trigger a mandatory closure of a facility. Current regulations allow a facility to exhaust "administrative and/or judicial appeals" before requiring mandatory final closure. The newly proposed regulation eliminates the facilities' ability to challenge the lawfulness or reasonableness of the licensing authority's actions, and mandates final closure as soon as the licensing authority issues a final determination. This proposed rule triggers mandatory final closure even when the licensing authority deems a renewal application to be incomplete.

The proposed rule deprives C&DD facilities of any meaningful appeal process, and simply gives far too much power to the licensing authority. Under current regulations, the final mandatory closure is triggered only after the Environmental Review Appeals Commission determines the licensing authority's actions to be both reasonable and lawful. The proposed change allows licensing authorities to close facilities for any reason, including unlawful, unreasonable, arbitrary, and erroneous reasons, or for no reason at all.

Under OAC 3745-37-02(A)(3), a licensing authority has the ability to request any “information in addition to that required by this rule . . .” and to deem an application incomplete for a facility’s failure to supply the requested additional information. There is no limit on the “additional information” which a licensing authority can request. The proposed regulation also allows the licensing authority to trigger final mandatory closure simply because a facility fails to submit the “additional information” not required by regulation, and regardless of the lawfulness and reasonableness of the licensing authority’s request. In short, the licensing authority should not be allowed to trigger final mandatory closure based upon mere allegations, and instead, the licensee should be afforded the opportunity to pursue administrative and judicial appeals before being forced into final mandatory closure. Otherwise, the appeal process becomes futile. Owners and operators are not going to appeal a decision after building a final cap over the landfill.

**Response 1:**

*The proposed rule language does not intend to alter in any way the current statutory or regulatory requirements or procedures for appeal rights prior to closure. For license denials taken by the Director under ORC Section 3734.09 (solid waste, infectious waste, and scrap tires) or ORC Section 3714.10 (construction and demolition debris), the provisions of ORC Chapter 119 and the procedural rules in OAC Chapter 3745-47 and 3745-37 are applicable. For license denials taken by approved local boards of health under ORC Section 3734.09 (solid waste, infectious waste, and scrap tires) or ORC Section 3714.10 (construction and demolition debris), the provisions of ORC Chapter 119, the procedural rules in 3745-37, and the requirements in ORC Chapter 3709 specific to health districts are applicable. Until all of the applicable due process procedures are followed, the licensing authority cannot issue a final action denying the license application. All procedural steps and administrative and/or judicial appeal opportunities continue unchanged under the proposed rule language.*

*The statement that “...final mandatory closure is triggered only after the Environmental Review Appeals Commission determines the licensing authority’s actions to be both reasonable and lawful” is incorrect. Issuance of a final license denial has always triggered mandatory closure. Once the licensing authority’s order denying the license is “final,” closure is mandatory but the order may be appealed to the Environmental Review Appeals Commission (ERAC). ERAC has jurisdiction on orders where actions have been issued as “final.” See OAC Rule 3746-1-02. At this stage however, a party can request a stay, or a suspension of the effect of the order pending the outcome of the proceedings. Currently, the mere act of filing an appeal does not stay the execution of a Director’s order. See OAC Rule 3746-5-13.*

*If granted, a stay would allow a facility to remain operating until ERAC rules on the appeal. The process for filing an appeal to the Court of Appeals from an ERAC decision ruling in support of the licensing authority's denial of a license application would similarly require the filing and granting of a motion to stay the order to avoid mandatory closure of a facility.*

*Also, mandatory closure applies, inter alia, when a facility's annual license expires and a renewal license application has not been applied for in accordance with the rules. The failure to properly apply for a license by submitting an incomplete application is the act of the facility owner/operator. The proposed rule retains language from the existing OAC Rule 3745-37-02(A)(2) which specifically addresses incomplete applications including notice to the applicant. Proposed OAC Rule 3745-37-04(A) similarly addresses incomplete license applications. It is the combination of the expiration of the facility's annual license and submittal of an incomplete renewal application that would trigger mandatory closure, not the action by the licensing authority.*

*The comments added in the proposed rules OAC 3745-37-02(A)(2) and 3745-37-04(A) seek to illustrate some examples of how a license application would be incomplete. While proposed OAC Rule 3745-37-02(A)(3) clarifies the licensing authority's existing ability to request additional information for the purpose of determining if the applicant meets the rule's requirements, it is not intended to expand that ability to require additional information before an application can be considered complete. OAC Chapter 3745-37 sets forth the minimum requirements necessary to apply for a license. Once those requirements are met, the licensing authority must consider the submission as a complete application. Proposed OAC Rule 3745-37-02(A)(3) simply allows a licensing authority to request additional information in order to determine whether to propose issuance or denial of the license because the criteria have been met, but not to determine completeness of an application. Upon consideration of the comment, proposed language has been added to OAC Rule 3745-37-02(A)(3) in order to clarify this intent.*

**Revised Rule Language 1:**

3745-37-02(A)(3) If the licensing authority determines that information in addition to that required by this rule to **submit a complete application** 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 information necessary to satisfy those rule requirements.

**Comment 2: OAC 3745-37-01(D).** Is mandatory closure required if a Health District denies a license as a final action and the final action is appealed by the applicant? A clarification is required addressing this issue.

**Response 2:**

*Upon issuance of a final action by the licensing authority denying the license, proposed OAC rule 3745-37-01(D)(2) clarifies that closure is mandatory, but the final action may be appealed to the Environmental Review Appeals Commission (ERAC). ERAC has jurisdiction on orders where actions have been issued as "final." See OAC Rule 3746-1-02. At this stage however, a party can request a stay, or a suspension of the effect of the order pending the outcome of the proceedings. Currently, the mere act of filing an appeal does not stay the execution of a Director's order. See OAC Rule 3746-5-13. If granted, a stay would allow a facility to remain operating until ERAC rules on the appeal. The process for filing an appeal to the Court of Appeals from an ERAC decision ruling in support of the licensing authority's denial of a license application would similarly require the filing and granting of a motion to stay the order to avoid mandatory closure of a facility. A comment has been added to the proposed rule to provide clarity.*

**Revised Rule Language 2:**

3745-37-01(D)[Comment]

**[Comment: These rules require mandatory closure only after a "final" action of the Director or health district has been issued. Should the Director determine that he is unable to approve a particular operating license, he must first issue a "proposed" license denial and allow the owner/operator an opportunity to request an adjudicatory hearing to take place prior to issuing a "final" action. The owner/operator may continue to operate the facility during the pendency of the adjudicatory procedures. Should a health district determine that it is unable to approve an operating license, it is required to follow the procedures set forth in ORC 3709.20 before any such license denial becomes a "final" action. In addition, subsequent to any "final" action, the owner/operator would have the opportunity to appeal the licensing authority's "final" decision to the Environmental Review Appeals Commission (ERAC), which has the authority to determine whether the actions of the licensing authority were lawful**

**and reasonable, and has the authority to stay the licensing authority's action pending the outcome of the appeal.]**

**Comment 3: OAC 3745-37-01(D)(1-4).** Licensing authorities need to be monitored for the timely handling of these matters.

**Response 3:** *The Ohio EPA concurs that licensing authorities should be monitored and held accountable for timely action under these rules. Ohio EPA District Offices are in routine contact with approved local health districts to both provide assistance and monitor health district performance. In addition to this routine contact, the statute provides that approved health districts are reviewed during the “annual survey” conducted pursuant to OAC Rule 3745-37-08(B).*

**Comment 4: OAC 3745-37-01(D).** Identify the appropriate chapters of the Administrative Code for each particular facility in this comment. This will eliminate any potential misguided references during any legal reviews resulting in these proposed regulations.

**Response 4:** *The rule comment was meant to indicate that this particular rule was not an exhaustive list of occurrences which may cause a facility to enter mandatory closure. The comment then simply notes that specific facility closure is addressed in other rules. Closure requirements are specified in greater detail in many different sections of the Administrative Code and would be overly cumbersome for inclusion in a rule comment. Specific facility operators and regulators should be familiar with the applicable closure rules.*

*If the suggestion in the comment is generally intended to aid the reviewer of these proposed rules, the following list provides some basic closure rule citation references.*

<i>Sanitary SW Landfill</i>	<i>OAC 3745-27-11</i>
<i>Industrial SW Landfill</i>	<i>OAC 3745-29-11</i>
<i>Residual SW Landfill</i>	<i>OAC 3745-30-09</i>
<i>Scrap Tire Monofill</i>	<i>OAC 3745-27-73</i>
<i>SW Transfer Facility</i>	<i>OAC 3745-27-24</i>
<i>SW Incinerator/SW Energy Recovery Facility</i>	<i>OAC 3745-27-53</i>
<i>SW Composting Facility</i>	<i>OAC 3745-27-47</i>
<i>Scrap Tire Collection, Storage, or Recovery Facility</i>	<i>OAC 3745-27-66</i>
<i>Infectious Waste Treatment Facility</i>	<i>OAC 3745-27-39</i>

*Construction & Demolition Debris Disposal      OAC 3745-400-12  
Facility*

**Comment 5: OAC 3745-37-02(A)(7).** This provision requires publication in a newspaper of a facility's intent to "modify" its facility. Under OAC 3745-400-15(A)(2), a modification occurs any time there is an extension of the active licensed disposal area. Consequently, newspaper publication, and therefore, public opposition, will be debated at board of health meetings simply because the facility decides to activate an inactive licensed disposal area ("ILDA"). Even though the ILDA is already licensed as disposal area, the facility will unnecessarily, and repeatedly, face public opposition each time a portion of the ILDA is activated.

**Response 5:** *Ohio EPA agrees that it is unnecessary to require public noticing for C&DD license modifications that deal solely with changes to the ALDA and ILDA. The proposed rules have been revised in response to this comment.*

**Revised Rule Language 5:**

3745-37-02(A)(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 request 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) 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.

**Comment 6: OAC 3745-37-02(A)(2).** Consider changing to: An incomplete "solid waste, infectious waste treatment, or construction and demolition debris facility" license application.....

**Response 6:** *Ohio EPA agrees with the suggested language. The proposed rules have been revised in response to this comment.*

**Revised Rule Language 6:**

3745-37-02(A)(2) An incomplete license application **for a solid waste, infectious waste treatment, or construction and demolition debris facility** shall not be considered for issuance or denial. 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 and of the inability of the licensing authority to consider the application until the deficiency is rectified and the application completed.

**Comment 7: OAC 3745-37-03(A)(1)(b).** This provision should specify that the siting restrictions contained in OAC 3745-400-06 apply to facilities operating or under construction after July 24, 1990. As written, the proposed rule could be interpreted to require existing grandfathered facilities to be closed.

**Response 7:** *OAC Rule 3745-37-03(A)(1)(b), in pertinent part, states that a C&DD facility license should not be issued unless "...all portions of the facility meet the requirements contained in rule 3745-400-06..." OAC 3745-400-06(A) clearly states that the siting criteria are not applicable to a facility "...operating or under construction on July 24, 1990..." This should address the concern expressed by this comment.*

**Comment 8: OAC 3745-37-03(A)(2)(b) and (3)(b).** This provision prevents the licensing authority from issuing a license any time there is an enforcement action pending against the facility. Much like the concerns addressed above, this Association strongly opposes the creation of rules which trigger a mandatory final closure of facilities based upon mere allegations regardless of the accuracy, reasonableness or lawfulness of the allegations. This proposed rule, coupled with the mandatory closure provisions proposed above, will place facilities in final mandatory closure simply because the licensing authority has alleged a violation to have occurred. Without the opportunity for administrative or judicial appeals prior to final closure, the proposed rule is not only patently unfair, but unconstitutional. While the opportunity for an administrative and judicial appeal remains in the regulations, in reality, the triggering of final mandatory closure prior to having exercised the appeal, makes the appeal nothing more than an exercise in futility.

**Also: OAC 3745-37-04(A).** This section also addresses the ability of a licensing authority to deny a license application based upon the triggering of a mandatory final closure pursuant to OAC 3745-37-01(D), and therefore, the Association has the same concerns as addressed above.

**Also: OAC 3745-37-03(A).** Draft proposed OAC 3745-27-03(A) "... the draft proposed revisions would make the mere pendency of an enforcement action in connection with the facility a basis for denial of the facility's operating license for the calendar year for which application is made. Under the Agency's draft proposed revisions, the pendency of the "enforcement action" would in and of itself, operate as a basis for non-renewal, even if the underlying violations are wholly spurious. This issue is exacerbated by the absence of any definition of the term "enforcement action" which, construed in its broadest sense, could conceivably mean as little as Agency investigation into the possibility of a violation of law.

The draft proposed language is also inconsistent with the requirement of RC. ~ 119.06 that an "agency" engaged in an "adjudication" provide an adjudication hearing in accordance with

RC. ~ 119.01 to 119.03 prior to any such action. See *also*, General Motors v. McAvoy 63 Ohio St. 2d 232 (1989). The purpose of the adjudication hearing is to allow the applicant an opportunity to contest the alleged violations which support the Agency action prior to that action becoming final. If the pendency of an “enforcement action” in and of itself is the criteria upon which a denial may be based, the sole issue to be adjudicated is whether an “enforcement action” exists and whether it is indeed currently pending. Ohio EPA’s unilateral action in the initiation of an “enforcement action” and its underlying unilateral determination that violations have occurred thereby becomes dispositive of the licensing issue.

The Ohio Steel Group (*and Dalad Group/Norton Construction Company*) requests that the Agency reconsider its position and decline to include language in OAC 3745-37-03 which would make the mere pendency of an “enforcement action” with respect to the facility a basis for non-renewal of an operating license for the facility. Basic fairness and fundamental notions of due process require that an owner or operator of a facility be provided with a meaningful opportunity to contest the violations alleged as the basis for a proposed license denial. See Bell V. Burson, 402 U.S. 535, 542 (1971) (finding that “[I]t is a proposition which hardly seems to need explication that a hearing which excludes consideration of an element essential to the decision whether licenses. . . shall be suspended does not meet [the due process] standard,” that a hearing be “meaningful” and “appropriate to the nature of the case.”).

**Response 8:**

*The proposed rules do not trigger a mandatory closure of a facility but only seeks to clarify that a license shall not be issued to a facility where the owner/operator is not in substantial compliance with the environmental rules.*

*Ohio Revised Code (ORC) Section 3734.07(A) provides that before the board of health issues an annual solid waste facility license, the board of health is required to ensure that the solid waste facility is in “substantial compliance” with ORC Chapter 3734 and the regulations adopted under it. This requirement is reinforced by current Ohio Administrative Code (OAC) Rule 3745-37-03 which provides that the board of health “shall not issue a solid waste facility license” unless the license applicant operated the facility in “substantial compliance” with the applicable provisions of ORC Chapter 3734 and OAC Chapters 3745-27 and 3745-37 during the period of effectiveness of the last license held by the facility.*

*The determination of substantial compliance is a case by case determination looking at the significance and circumstances of violations. Consideration is given to the existence of any actual or potential exposure to waste/pollutants, the extent of deviation from the terms of a permit, license, an order, or any statutory or regulatory requirement, and the timeliness and manner of the violator’s response to correct the violation and address any actual or potential impacts of*

*the violation. Additionally, Ohio courts have addressed what constitutes “substantial compliance” for purposes of these statutory and regulatory provisions. For example, in Fairfield Sanitary Landfill v. Bd. Of Health (1990), 68 Ohio App.3d 761, the Franklin County Court of Appeals addressed the issue of what constitutes substantial compliance with a Permit to Install (PTI). Ohio EPA’s key role in determining whether a solid waste facility is in substantial compliance with applicable requirements was affirmed in another case, Martin v. Schregardus (1996), Case Nos. EBR 403101 and 403102. In that case, the Ohio Environmental Board of Review, now the ERAC, held that Ohio EPA’s position of viewing the escalation of enforcement proceedings as a factor in determining whether a facility was in substantial compliance was consistent with the holding in Fairfield Sanitary Landfill.*

*For the purpose of issuance of an annual operating license, the determination by the Director or board of health that an owner/operator is in “substantial compliance” is a key criteria. Such a determination by the Director or board of health that an owner/operator is not in substantial compliance may be formally expressed through various forms of escalated enforcement, such as orders from the local board of health, proposed or final administrative orders, referral to the Attorney General or the local prosecutor for civil and criminal action, or the filing of a court action. A determination may also be formally expressed through the license action itself, either as a license approval or denial. It is important to note that the mere existence of a particular violation at a facility does not necessarily lead to an enforcement action or preclude the Director or board of health determination that an owner/operator is in substantial compliance.*

*The language of proposed rule OAC 3745-37-03(A)(2)(b) and the comment associated with that paragraph has been revised to be specific to unresolved approved health district or Ohio EPA enforcement actions under Ohio Revised Code Chapters 3734 or 3714 pending against a facility. These chapters provide the specific statutory authorities for approved health district and Ohio EPA enforcement and licensing actions. The license criteria pertaining to substantial compliance with applicable provisions of the other ORC Chapters, ORC 6111 (Water Pollution Control) and ORC 3704 (Air Pollution Control), are retained in proposed rule OAC 3745-37-03(A)(2)(a).*

*The licensing rules do not require mandatory closure provisions simply because the licensing authority has alleged a violation has*

*occurred. The proposed rules, and the current rules, require mandatory closure only after a “final” action of the licensing authority has been issued. Should a licensing authority determine that it is unable to approve a particular operating license, it must first make a “proposed action” and allow the owner/operator to request that an administrative or adjudicatory hearing to take place prior to issuing a “final” action. During the pendency of the appeal of an operating license denial, the owner/operator may continue to operate the facility. In addition, subsequent to any “final” action, the owner/operator would have the opportunity to appeal the licensing authority’s decision to ERAC, which has the authority to determine whether the actions of the licensing authority were lawful and reasonable, and has the authority to stay the licensing authority’s action pending the outcome of the appeal.*

**Revised Rule Language 8:**

OAC 3745-37-03(A)(2)(b) **Has no current unresolved enforcement action pending against it by the approved health district or Ohio EPA to remedy any significant violation at the facility of any provision of Chapters 3714. or 3734. of the Revised Code and the rules promulgated thereunder with regard to construction and demolition debris, solid waste, or infectious waste.**

**[Comment: The determination of whether a formal enforcement action constitutes "significant" noncompliance is a case-by-case determination by the director which considers the actual or potential exposure to waste or pollutants, the extent of deviation from the terms of a permit, license, order or any statutory or regulatory requirement and whether the violations are chronic or the violator recalcitrant. In the event that Ohio EPA has an outstanding enforcement action pending against an applicant who seeks a license from an approved health department, the director shall notify the health department if the enforcement action involves significant noncompliance under this rule.]**

**Comment 9: 3745-37-03(A)(3).** The proposed language (also current language) uses the terminology “Any person . . . “ This terminology is vague and far reaching. Is the Agency referring to key employees as defined in ORC 3734 or the proposed operator/owner or both.

Going further, we believe that one facility should not have its license withheld because of inadequate operations at another facility that may be owned by the same parent company. Each facility has its own permit which is independent of another facilities permits, and the

disclosure process should identify potential problems with parent companies or multiple facilities utilizing the same key employees. Annual disclosures for each facility should be the Ohio EPA and Health District's verification mechanism that the facility and operators meet the requirements of ORC 3734.

**Response 9:**

*ORC 3734.01(G) indicates that the term "person" includes..."the state, any political subdivision, and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as person under section 1.59 of the Revised Code..." The proposed language is intended to ensure that each facility license is issued to an owner or operator that has demonstrated the ability to maintain substantial compliance at not only a single facility but all of the solid waste or construction and demolition debris facilities that they own and/or operate. The issue is the performance of the person(s) who are responsible for operational decisions. The proposed language further prevents an owner or operator that has not operated a particular facility in substantial compliance from assuming operational control over new or additional facilities without having to resolve outstanding significant compliance issues.*

*While the annual background check disclosure requirement is a key tool in verifying whether facility owners and operators meet the requirements of ORC 3734, it should not preclude the licensing authority's consideration of the owner or operator's most recent compliance status. The annual disclosures for each facility provide an important evaluation of whether owners, operators, or parent companies and their key employees have been convicted of disqualifying crimes. However, the evaluation of compliance status in the background check report is principally a summation of escalated enforcement actions taken by approved local health districts or the Director and is not current to the time of license action. The proposed language will ensure that consideration of the substantial compliance criteria is more current to the licensing decision.*

**Comment 10:** **OAC 3745-37-03(A)(4).** The proposed terminology "The person identified as the operator. . ." should be replaced with "The key employee identified as the responsible person for the operator" to remain consistent with the requirements of ORC 3734. This proposed requirement is redundant with the requirements of ORC 3734. This requirement can be re-worded and simplified as follows:

"The key employee(s) for the operator of the facility shall possess thorough knowledge of facility applicable operational requirements and the facility's authorizing documents.



**Response 10:** *The proposed language addresses the possibility that more than one employee may have an important role in the facility's operations. The requirement for facility personnel to possess thorough knowledge of applicable operational requirements and the facility's authorizing documents may extend further than a key employee or the person who has discretionary decision making authority at a facility. For instance, all appropriate employees at a landfill facility should know the requirements for management of leachate (i.e. cannot be discharged to waters of the state, etc.). Another example would be for the gatekeeper to have the knowledge that it is a violation for the operator to accept a manifested hazardous waste. It has been the Agency's experience that many violations that have the potential to occur at a facility may be avoided if the facility personnel have been educated with regard to the basic operational requirements and a facility's authorizing documents.*

**Comment 11: OAC 3745-37-04(A).** The proposed regulation would require a Health District to act on pending license application for a new solid or infectious waste facility within 90 days of the Director's final issuance of the facility's permit or registration.

An existing regulation, OAC 3745-37-02 requires the operator or owner of a proposed new facility to submit their license application 90 days prior to the anticipated date for accepting waste. The deadline for the Health District to act on a pending application should be based on the submittal date of the application, not the issuance of the solid or infectious waste permit issuance. Generally, a new facility can not begin construction until after the solid waste permit is issued, and the proposed operator/owner would then submit his license application at least 90 days in advance (as required by OAC 3745-37-02) of their new facility construction being completed.

ORC 3734.05 requires the submittal of a license application concurrently with the submittal of a solid waste permit-to-install application for a new facility. The timing of this submittal is extremely premature and confusing with the license submittal requirements of OAC 3745-37-02. We suggest that legislation may be necessary to further simplify and clarify the license submittal requirements for new facilities.

**Response 11:** *Ohio EPA agrees that the statute should be changed to require license application submittal at least 90 days prior to beginning operations versus concurrently with the submittal a permit or registration. However, it requires legislative action to make such a change.*

**Comment 12: (Table 1).** Consider stating the specific facility type (solid waste, infectious waste treatment, etc.) next to the date license application submitted data for clarification purposes.

Table 1 clarifies license timing in a user-friendly format.

**Response 12:** *Ohio EPA agrees and has modified the proposed chart in consideration of this comment.*

**Revised Rule Language:**  
 3745-37-04 Appendix I

Table 1						
New or Renewal License	Facility Type	Date License Application Submitted	Completeness of License Application	Response by Licensing Authority to Applicant Regarding Application	Timeline for Notice of Incompleteness, if applicable	Deadline for License Issuance or Denial
	All	on or before 9/30	Complete	Issue or Deny	N/A	December 31
			Incomplete	Notice of Incompleteness	Within 30 days of receipt	N/A*

	All	between 10/1 and 12/31	Complete	Issue (with late fees) or Deny	N/A	December 31
			Incomplete	Notice of Incompleteness	Within 30 days of receipt	N/A*
	All	after 12/31	N/A	Cannot issue or deny license application. Applicant has triggered closure requirements pursuant to OAC Rule 3745-37-01(D)	N/A	N/A*
New License	solid waste and/or infectious waste treatment facility	Anytime	Complete	Issue or Deny	N/A	Within 90 days of Director's final issuance of permit or registration and requirements of OAC rule 3745-37-03(A)(5)
			Incomplete	Notice of Incompleteness	Within 30 days of receipt	N/A*
	construction and demolition debris facility	Anytime	Complete	Issue or Deny	N/A	Within 90 days of receipt
			Incomplete	Notice of Incompleteness	Within 30 days of receipt	N/A*
* Pursuant to OAC Rules 3745-37-02(A)(2) and 3745-37-03(A)(3), an incomplete license application shall not be considered for issuance or denial.						

**Comment 13: OAC 3745-37-05(A)(1).**

(A) Is there a reason the penalty is \$10/week for receiving an annual renewal license application between October first and December thirty-first?

(B) Should/could the late fee be more than \$10/week?

**Response 13:** *The reasons are found in the law. ORC 3734.05(A) specifies that the late fee shall be 10% of the application fee, which is \$100.00. Further, any change in the late fee will take legislative action to change the statute.*

**Comment 14: OAC 3745-37-05(A)(2).** Insert: ...A licensee shall pay a late fee in the amount of ten percent of the license fee for each full month that the “**license**” fee payment is late.

**Response 14:** *Ohio EPA will delete the last sentence of the paragraph in OAC 3745-37-05(A)(2)(a). The statute does not specify a late fee for late submittal of the license fee (only for the late submittal of the license application).*

**Revised Rule Language 14:**

3745-37-05(A)(2)(a) Within thirty days of issuance of a solid waste facility or infectious waste treatment facility license, the owner or operator shall pay a license fee in the amount established by sections 3734.06(A), 3734.06(C), or 3734.82 of the Revised Code, as applicable. The \$100.00 license application fee shall be deducted from the license fee. Late fees for license applications shall not be deducted from the license fee amount. A licensee shall pay a late fee in the amount of ten percent of the license fee for each full month that the fee payment is late.

**Comment 15:** **OAC 3745-37-05.** There does not appear to be a penalty for late fee submittal for a C&DD license application. I like the solid and infectious waste application fee of ten dollars per week. In addition, since the proposed inspection frequency for C&DD facilities will go to monthly (a good thing) there should be a provision to increase the license fee. All other facilities have fees based on tonnage and the C&DD fee is a flat \$3,000.00. This should change somehow. I know most C&DD facilities count how many cubic yards containers come into that facility, so maybe the fee should be based on cubic yards received, not tonnage.

**Response 15:** *It is correct that the statute does not require a late fee for the late submittal of a C&DD license application. Late fee schedules regarding license application fees and license fees are established in statute and would take an act of the legislature to make such a change.*

**Comment 16:** **OAC 3745-37-06(B)(1).** This provision prohibits the transfer of a license while an enforcement action is pending against the facility. In the past, the transfer of an operating license to a new owner/operator has been used as a solution, and not deemed to be the problem. The proposed new rule would prevent facilities from addressing licensing authority concerns through a change in operators. Ohio EPA should not arbitrarily restrict the ability to transfer licenses, particularly since transfers have been proven as an effective means of solving compliance problems.

**Response 16:** *The proposed rules do not prohibit the transfer of a license for a facility that is the subject of an enforcement action. Rather, the proposed rules state that a license transfer request cannot be authorized if there is an outstanding enforcement action pending against the proposed license transferee (i.e. proposed owner/operator).*

**Comment 17:** **OAC 3745-37-06(A)(1).** Does this action require authorization by the Board of Health and the director, or just one of these entities?

**Response 17:** *The proposed rule is consistent with existing statute and rule. Transfer of a license for either solid waste facilities or infectious waste treatment facilities requires that both the Director and the board of health of the approved local health district approve the license transfer.*

**Comment 18: OAC 3745-37-08(C)(2)(j).** The meaning of the word “perpetuity” is unclear, perhaps change to “till the end of post closure care”? If that is what was meant.

**Response 18:** *Ohio EPA has revised the proposed rule language in consideration of this comment.*

**Comment 19: OAC 3745-37-08(C)(3)(a).** Requires an inspection no more than 30 days prior to licensing (Licensing issuance must be done between Dec. 1, and Jan 1,). Recommend that the 30 days be changed to “Inspection conducted after September 30 and prior to the BOH action” or allow 60 days. 30 days will not work, at least for the EPA, CO office wants the paper work back early so there may be more than 30 days if license issued Dec, 31, for example inspection would have to be conducted December 1. Most inspections should be in November or October to facilitate timely licensing. The Agency may want to add a comment to document what is expected with certification, seems to cause confusion.

**Response 19:** *Ohio EPA agrees that it may be prudent to allow the inspection required prior to licensing to be conducted more than thirty (30) days prior to license issuance. The proposed rule has been changed to allow the inspection to occur a maximum of sixty (60) days prior to issuance. Regarding certification, a proposed rule comment has been added to clarify that Ohio EPA provides certification forms to approved health districts as part of a license application.*

**Revised Rule Language 19:**

3745-37-08(C)(3)(a) Conducting comprehensive inspection(s) of each facility for which a license application has been submitted no more than **sixty days** prior to license issuance, and certifying the results of the inspection to the director within thirty days after issuance of any license, as required by sections 3714.08(B) or 3734.07(B) of the Revised Code, as applicable, indicating that the facility has been inspected for and found to be in substantial compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code, as applicable.

**[Comment: To aid health districts with the certification required above, Ohio EPA provides a certification form which is mailed to approved health districts each year as part of the facility license applications.]**

**Comment 20: OAC 3745-37-08(C)(3)(b).** Would like unannounced inspections but not always possible. For example, closed landfill with locked gates, currently licensed site that is inactive and locked, Military base.

**Response 20:** *Ohio EPA has added language and a rule comment in consideration of this comment.*

**Revised Rule Language 20:**

3745-37-08(C)(3)(b) Conducting required inspections randomly (i.e. not the same day of the week) and unannounced to the owner operator, **unless circumstances necessitate prior arrangements to gain site access.**

**[Comment: While Ohio EPA expects all inspections to be unannounced, in certain special circumstances, such as the inspection of a facility that has restricted access due to locked gates/fences or for inspections of certain military installations, it may be necessary to make arrangements prior to inspection.]**

**Comment 21: OAC 3745-37-08(C)(3)(g).** Does this include anonymous complaints?

**Response 21:** *The intent is to include anonymous complaints, as long as the complaint is in writing.*

**Comment 22: OAC 3745-37-08 Appendix 1.** Semi-annual inspections of non-licensed infectious waste treatment facilities is not adequate. This inspection frequency should be maintained at quarterly. This is an opportunity to provide technical assistance to a facility that is treating infectious waste. This waste is no less infectious than a licensed treatment facility therefore why are we changing the inspection frequency?

**Also:** Concerning the semi-annual inspections of non-licensed IW treatment facilities, I believe this is adequate for captive facilities. Typically these facilities do not have the volume/problems that licensed facilities have. If a facility becomes problematic then, obviously, more inspections can be conducted. Same idea for large generators, 3 years OK. Also monthly inspections of MSW and CDD landfills could become a problem for OEPA, especially if it becomes short staffed.

**Also:** Inspections once every three years is not adequate to inspect large generators. Many facilities move, close, or change hands, etc.. An inspection once every three years will not provide technical assistance to the facilities nor will it allow for confirmation of large generators. We do not require inspections of small generators, which many times may be a large generator but are not aware of the regulations. At least, we should be available to assist our large generators and knowledgeable on who are the large generators in our jurisdiction(s).

Transporters of infectious waste should also be inspected annually if the collection hub or the actual facility is located in one's jurisdiction. This is an opportunity to provide technical assistance to these facilities which may result in fewer problems, if any, down the road. It also provides an agency contact for that facility. (The same argument holds true for large generators.)

**Response 22:** *The proposed inspection frequencies in Appendix I are intended to be the minimum inspection frequencies by facility type required of any approved local health district program and the Ohio EPA. The existing rules pertaining to minimum inspection frequencies has been basically unchanged since 1976 and needs to be updated to address the wide variety of regulated facilities. It is important to note that the current rule and proposed rule OAC 3745-37-08(C)(3)(c) also requires inspections with sufficient frequency to ensure substantial compliance with applicable regulations. Therefore, the proposed rules establish both statewide minimum inspection frequencies (Appendix I) and the obligation to conduct more frequent inspections [OAC 3745-37-08(C)(3)(c)] on a case specific basis necessary to ensure substantial compliance.*

*The proposed minimum inspection frequencies were developed over a period of time based upon the general experience of inspectors, consideration of the relative potential and extent for harm resulting from compliance problems, past enforcement cases, and a recognition of limited resources. A significant source of input was gathered from a 1999 survey of health district and Ohio EPA registered sanitarians involved in the program. While the survey conducted by the Ohio EPA/Ohio Environmental Health Association Workgroup demonstrated the expected wide range of individual responses, it did provide a good general view of which facilities inspectors felt should be inspected more frequently than others and helped identify minimum inspection frequencies. The proposed minimum inspection frequencies are not intended to be based upon experiences with noncompliant facilities but rather reflect what Ohio EPA's baseline expectations are for an approvable compliance monitoring program. Increased inspections are expected for any facility having compliance problems. Certainly, the proposed minimum frequencies are not intended to negate the significant value and importance of additional site visits to provide assistance, keep current with operations at the facility, or determine compliance at key construction, monitoring, and sampling events.*

*Ohio EPA notes and commends the many approved health districts that far exceed the proposed minimum inspection frequencies. The local community's support and expectations of their local health district and the availability of resources are key factors. However, many other local health districts face limited resources and multiple responsibilities. At times, staffing and resources may be an issue for all health districts as well as the Ohio EPA. Such issues would be raised during the annual survey process if a program was having difficulty meeting any of the minimum program criteria.*

3M Copley Site  
Ray F. Weston, Inc.  
P.O. Box 4253  
Copley, OH 44321

Allied Muskingum Transfer Facility  
2175 Adamsville Road  
Zanesville, OH 43701

Alum Creek Waste to Energy Facility  
Solid Waste Authority of Central Ohio  
6220 Young Road  
Columbus, OH 43123-9518

American Landfill, Inc.  
7916 Chapel Street, SE  
Waynesburg, OH 44688

American Scrap Tire Recyclers, Inc.  
3574 N. Myers Road  
Geneva, OH 44041

American Tire Monofill  
7916 Chapel Street, SE  
Waynesburg, OH 44688

Armco Middletown Works Landfill  
Engineering Department  
703 Curtis Street  
Middletown, OH 45043

Ashland City  
206 Claremont Avenue  
Ashland, OH 44805

Ashland Rubber Mat Company  
1221 Elm Street  
P.O. Box 267  
Ashland, OH 44805

Athens Hocking Reclamation Center LF  
Kilbarger Construction  
P.O. Box 946  
Logan, OH 43138

BFI - Lorain County Landfill  
District Manager  
43502 Oberlin-Elyra Road  
Oberlin, OH 44074

BFI Ottawa County Landfill  
530 North Camp Road  
Port Clinton, OH 43452

BFI of Ohio  
BFI Glenwillow Transfer Facility  
30300 Pettibone Road  
Glenwillow, OH 44139

BFI of Ohio Transfer Station  
4005 Tiffin Avenue  
Sandusky, OH 44870

Beech Hollow Landfill  
Tire Collection Facility  
28 AW Long Rd.  
Weelston, Oh 45692

Bish and Boyer, Inc.  
10 N. Children's Home Road  
Troy, OH 45373

Board of County Commissioner  
117 East High Street  
Suite 161  
Mount Vernon, OH 43050

Broadview Heights Recycling Center  
Halhub Realty/Norton Construciton Co.  
6200 Rockside Woods Blvd., Suite 105  
Independence, OH 44131

Brown County Landfill  
Tire Collection Facility  
9427 Beyers Rd.  
Georgetown, Oh 45121

Browning-Ferris Industries  
6233 Hagman Road  
Toledo, OH 43611



C & E Coal Tire Monofill  
P.O. Box 333  
Lisbon, OH 44432

Central Ohio Contractors  
3041 Jackson Pike  
Grove City, OH 43123

Central Ohio Contractors, Inc.  
2879 Jackson Pike  
Grove City, OH 43123

City of Bryan  
103 Beech  
Bryan, OH 43506

City of Cleveland Heights  
Cleveland Heights Transfer Station  
40 Severance Circle  
Cleveland Heights, OH 44118

City of Columbus - Dept. of Public  
Alum Creek Transfer Station  
90 West Broad Street  
Columbus, OH 43215

City of Columbus - Dept. of Public  
Georgesville Road Transfer Station  
90 West Broad Street  
Columbus, OH 43215

City of Columbus-Dept of Public Utility  
Morse Road Transfer Facility  
90 West Broad Street  
Columbus, OH 43215

City of East Cleveland  
East Cleveland Transfer Station  
1650 Eddy Road  
East Cleveland, OH 44112

City of East Cleveland Transfer Fac.  
P.O. Box 608010  
Cleveland, OH 44108

City of Galion  
City Hall  
Galion, OH 44833

City of Hamilton  
City of Hamilton Transfer Station  
20 High Street  
Hamilton, OH 45011

City of Hamilton Refuse Transfer Fac.  
Department of Public Works  
1001 North Third Street  
Hamilton, OH 45011

City of Hamilton Transfer  
1000 North Third Street  
Hamilton, OH 45011

City of Lancaster  
City of Lancaster Transfer Station  
743 South Ewing Street  
Lancaster, OH 43130

City of Lancaster  
Sanitation Department  
743 South Ewing Street  
Lancaster, OH 43130

City of Lancaster  
Tire Collection Facility  
740 S. Ewing St.  
Lancaster, Oh 43130

City of Shaker Heights  
Shaker Heights Transfer Facility  
16500 Chagrin Blvd.  
Shaker Heights, OH 44120-4225

City of Strongsville  
18688 Royalton Road  
Strongsville, OH 44136

City of Strongsville Transfer  
City of Strongsville  
16099 Foltz Industrial Parkway  
Strongsville, OH 44136

City of Strongsville Transfer Facility  
18688 Royalton Road  
Strongsville, OH 44136

City of Wadsworth  
Wadsworth Solid Waste Transfer  
120 Maple Street  
Wadsworth, OH 44281

City of Westlake  
City of Westlake Transfer Facility  
27216 Hilliard Blvd.  
Westlake, OH 44145

Columbiana County Health District  
Env. Health Director  
7360 SR 45, P.O. Box 309  
Lisbon, OH 44432

Conesville FGD Disposal Facility  
American Electric Power/CSP  
1 Riverside Plaza  
Columbus, OH 43215

Continental Turf Systems  
21801 Road, E-16  
P.O. Box 389  
Continental, OH 45831

Cooper and Sons  
948 S.R. 708  
Russels Point, OH 43348

County Commissioners' Assoc. of Ohio  
37 West Broad Street  
Suite 650  
Columbus, OH 43215-4195

County Disposal (Ohio), Inc.  
Marion SW TF & Delaware Co. Transfer  
11164 County Road #4  
Carey, OH 43316

County Environmental Of Wyandot  
County Disposal (Ohio), Inc.  
P.O. Box 450  
Upper Sandusky, OH 43351

Crawford County Sanitary Landfill  
Crawford County Commissioners  
112 East Mansfield Street  
Bucyrus, OH 44820

D&R Recyclers, Inc.  
3851 South Street  
Hamilton, OH 45011-5894

Dave Campbell Scrap Tire  
3905 Avalon Drive  
Zanesville, OH 43701

Defiance County Landfill  
Defiance County Commissioners  
500 Court Street  
Defiance, OH 43512

Delaware County Transfer  
P.O. Box 450  
Upper Sandusky, OH 43351

Delaware County Transfer Facility  
11164 County Road #4  
Carey, OH 43316

Durbar-Shredder, Inc.  
6800-B Industrial Drive  
Delta, OH 43515

ELDA Recycling & Disposal Facility  
Waste Management of Ohio  
5701 Este Avenue  
Cincinnati, OH 45232-1434

East Cleveland Transfer Station  
City of East Cleveland  
14340 Euclid Avenue  
East Cleveland, OH 44112

Environmental Rubber Recycling, Inc.  
1621 Terminal Dr.  
Saginaw, MI 48601

Euclid Incinerator Transfer Station  
City of Euclid  
585 East 222ND Street  
Euclid, OH 44123

Fairport Board of Education  
329 Vine Street  
Painesville, OH 44077

Fayette County Tire Collection Facility  
1580 Robinson Rd.  
Washington Courthouse, OH 43160

Fayette County Transfer Station  
1580 Robinson Road  
Washington Courthouse, OH 43160

Franklin County Landfill  
Solid Waste Authority of Central Ohio  
4149 London-Groveport Road  
Grove City, OH 43123

Fulton County SW Facility  
Fulton County Commissioners  
125 Courthouse Plaza  
Wauseon, OH 43567-1300

Fulton County Solid Waste Facility  
9130 County Road #14  
Wauseon, OH 43567-9669

Fulton County TF  
Fulton County Commissioners  
125 Courthouse Plaza  
Wauseon, OH 43567-1300

Gallia County Commissioners  
Mound Landfill, Inc.  
18 Locust Street, Room 1292  
Gallipolis, OH 45631

Gallia County Sanitary Landfill  
Gallia County Commissioners  
18 Locust Street, Courthouse  
Gallipolis, OH 45631

Gavin Plant Residual Waster Landfill  
AEP/Ohio Power Company  
1 Riverside Plaza  
Columbus, OH 43215

Geauga County Health District  
470 Center Street  
Unit 8  
Chardon, OH 44024-1071

Geauga County Health District  
Attn: Health Director  
470 Center Street, Bldg. 8  
Chardon, OH 44024

Georgesville Road Waste to Energy  
Solid Waste Authority of Central Ohio  
6220 Young Road  
Grove City, OH 43123-9518

Glen James and Sons  
3930 Boggs Road  
Zanesville, OH 43701

Graymont Dolime (OH) Inc. LF  
21880 W. State Route 163  
P.O. Box 158  
Genoa, OH 43430

Hacker and Jones Blacktopping  
1287 U.S. 50  
Milford, OH 45150

Hafner C&DD Landfill  
5445 Wooster Pike  
Cincinnati, OH 45226

Hancock County Sanitary Landfill  
Hancock County Commissioners  
300 South Main Street  
Findlay, OH 45840

Hardin CO SW & Recycling  
Hardin County Commissioners  
One Court House Square, Suite 100  
Kenton, OH 43326

Hardin County TF  
Hardin County Commissioners  
One Courthouse Square, Suite 100  
Kenton, OH 43326

Henry County Health District  
104 E. Washington, Hahn Center  
Suite 302  
Napoleon, OH 43545

Highland County Health District  
Health Commissioner  
200 Hobart Drive  
Hillsboro, OH 45133-1183

Holmes County Landfill  
Holmes County Commissioners  
2 Court Street, Suite 14  
Millersburg, OH 44654-2001

J & J Refuse & Recycling  
Penn Ohio Coal Co.  
P.O. Box 165  
New Philadelphia, OH 44663

Jackson Pike Transfer Facility  
City of Columbus - Dept. of Public  
90 West Broad Street  
Columbus, OH 43215

Jefferson Belmont Solid Waste  
Belmont Resource Transfer Facility  
53002 High Ridge Road  
Bridgeport, OH 43912

Kellys Island Transfer Station  
Village of Kelleys Island  
121 Addison Street  
Kelleys Island, OH 43438

Koogler Suburban Transfer Station  
1700 N. Broad Street  
Fairborn, OH 45324

L & L Scrap Metals & Recycling  
128 Texas Road  
Galliopolis, OH 45631

Hawter Construction Company  
Northeastern Disposal  
P.O. Box 20, Grant Street  
Charden, OH 44024

Henry County Landfill  
c/o Scrap Tire Recovery Facility  
L-622 County Road 11  
Malinta, Oh 43535

Hocking Environmental Company  
San-Lan Landfill  
P.O. Box 946  
Logan, OH 43138

J & J Refuse & Recycling  
P.O. Box 448  
Dover, OH 44622

JGS Recovery Systems  
1024 Barclay Street  
Niles, OH 44446

James Bros., Inc.  
3935 Boggs Road  
Zanesville, OH 43701

Johnson Transfer & Recycling Center  
Mid-American Waste  
1046 West Walnut Street, P.O. Box 387  
Canal Winchester, OH 43110

Kimble Transfer & Recycling Facility  
Floyd Kimble  
3596 St. Rt. 39 NW  
Dover, OH 44622

Koogler-Suburban Transfer Facility  
Waste Management  
3003 Butterfield Road  
Oak Brook, IL 60521-1102

L.A.S. Recycling Company, Inc.  
Loreto Sebastiani  
1025 Bundy Road  
Youngstown, OH 44509

LaFarge Lime of Ohio Landfill  
P.O. Box 128  
Woodville, OH 43469

Laidlaw Waste Systems  
Celina Landfill  
6141 Depweg Road  
Celina, OH 45822

Lake County Solid Waste Landfill  
Lake County Commissioners  
105 Main Street, P.O. Box 490  
Painesville, OH 44077-0490

League of Ohio Sportsmen  
3953 Indianola Avenue  
Columbus, OH 43214

Logan-Hocking County Public Health Dep.  
Attn: Director of Environmental Health  
31620 Chieftain Drive  
Logan, OH 43138

M and B Demolition Disposal, Inc.  
4802 Hopewell Church Road  
Lancaster, OH 43130

Mahoning Landfill, Inc.  
3510 Garfield Road  
New Springfield, OH 44443

Martin Marietta Magnesia Specialties LF  
755 Lime Road  
Woodville, OH 43469

Mat Shop  
34385 Salem Grange Road  
Salem, OH 44460

Medina CO Central Processing  
Medina County Commissioners  
P.O. Box 542  
Medina, OH 44258

Miami County Board of Commissioners  
Miami Solid Waste & Recycling  
201 West Main Street  
Troy, OH 45373

Middle & South Bass Island TS  
Put-In-Bay  
P.O. Box 127  
Put-In-Bay, OH 43456

Millersville Lime, Inc. Landfill  
3964 County Road 41  
Millersville, OH 43435-9786

Montgomery Cnty. North Tire Coll. Fac.  
6589 N. Webster Street  
Dayton, OH 45414

Montgomery County North / South Transfer  
Montgomery County Commissioners  
451 W. Third Street  
Dayton, OH 45422

Montgomery County Tire C/F  
2712 Springboro Pike  
Dayton, OH 45422

Montgomery South/North Transfer Facility  
Montgomery Co. Board of Commissioners  
451 W. Third Street  
Dayton, OH 45422

Morse Road Waste to Energy TF  
Solid Waste Authority of Central Ohio  
6220 Young Road  
Grove City, OH 43123-9518

Mound Transfer Station  
195 Seney Road  
Chillicothe, OH 45601

National Lime & Stone Co. Residual LF  
North Patterson Parkway  
Carey, OH 43316

National Serv-All  
Van Wert County Transfer  
6231 McBeth Road  
Fort Wayne, IN 46809

Northern Ohio Waste Systems  
3227 Harvard Road  
Newburg Heights, OH 44105

Norton Construction Company  
6200 Rockside Woods Blvd.  
Independence, OH 44131

Ohio Municipal League  
175 South Third Street  
Suite 510  
Columbus, OH 43215

Ohio Public Interest Research Group  
2460 Fairmount Blvd.  
Suite 307  
Cleveland Heights, OH 44106

Pike County Health District  
Env. Health Director  
229 Valley View Drive  
Waverly, OH 45690

Portage Cty SW Mgmt. District & Recyl.  
449 South Meridian  
Ravenna, OH 44266

Preble County Sanitary Landfill  
Preble County Commissioners  
4239 State Route 1275  
Eaton, OH 45320

RS Pine Grove Landfill  
5131 Drinkle Road  
Amanda, OH 43102

Richland County Recycling & Trans.  
Road #3  
Mansfield, OH 44903

Northern Ohio Waste  
7450 Oakleaf Road  
Oakwood Village, OH 44146

Northern Ohio Waste Transfer/Recyc  
Mid-American Waste Systems of Ohio  
1006 Walnut Street  
Canal Winchester, OH 43110

Ohio League of Women Voters  
17 S. High Street  
Suite 650  
Columbus, OH 43215

Ohio Paperboard Corp.  
310 Water Street  
Baltimore, OH 43105

Perrysville Iron and Metal  
8025 Dial Road  
Bowerston, OH 44695

Pike Sanitation Landfill  
11775 State Route 220 East  
Waverly, OH 45690

Preble County Landfill  
4239 State Route 127  
Eaton, OH 45320

R.L.S. Corporation  
990 Eastern Avenue  
P.O. Box 327  
Chillicothe, OH 45601

Reynolds Avenue Transfer Facility  
Republic Services, Inc.  
805 Reynolds Avenue  
Columbus, OH 43201

Richland County Transfer Station  
Richland County Regional SW  
1495 W. Longview Avenue, Suite 201  
Mansfield, OH 44906-1872

Ricketts Excavating, Inc.  
P.O. Box 912  
Lancaster, OH 43130-0912

Ridge Road Transfer Facility  
City of Cleveland  
3727 Ridge Road  
Cleveland, OH 44114

Robert Jacobs Excavators, Inc.  
3743 Struble Road  
Cincinnati, OH 45247

Rocky River Transfer Facility  
City of Rocky River  
21012 Hilliard Blvd.  
Rocky River, OH 44116

Ross Brothers Waste & Recycling  
107 Tilden Avenue  
Mt. Vernon, OH 43050

Ross Brothers Waste & Recycling  
107 Tilden Avenue  
Mt. Vernon, OH 43050

Royalton Road Sanitary Landfill  
Norton Construction Co.  
6200 Rockside Woods Blvd., #105  
Independence, OH 44131

Rumpke Greenville R&T Station  
5474 Jaysville-St. Johns Road  
Greenville, OH 45331

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Rumpke Waste, Inc.  
10795 Hughes Road  
Cincinnati, OH 45251

Rumpke Sanitary Landfill  
10795 Hughes Road  
Cincinnati, OH 45251

Rumpke Transfer Facility  
Rumpke Waste, Inc.  
10795 Hughes Road  
Cincinnati, OH 45251

Rumpke Transfer Station  
21955 Hassle Drive  
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S.R.I. Incorporated  
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Dayton, OH 45418

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129 East Court Street  
Sidney, OH 45365

Shelby Transfer Facility  
Shelby County Commissioners  
129 E. Court Street  
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Suburban South RDF  
3415 Township Road 447  
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Sundown Tire Recycling  
132 U.S. 23 North  
Waverly, OH 45690

Superior Oakland Marsh Landfill  
170 Noble Road East  
Shiloh, OH 44878

Superior Services Transfer Facility  
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Tanner Welding  
6176 Crawford-Morrow County Line Road  
Galion, OH 44833

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Village of Quincy  
Poplar Street  
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WM Akron Regional Landfill  
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WMI Akron Central Transfer Facility  
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WMI/Stony Hollow RDF  
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Waste Management TF  
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Zimmer Landfill  
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