



Ohio Revised Code

Section 3714.06 Application for installation and operation license - issuance.

Effective: October 6, 2017

Legislation: Senate Bill 2 - 132nd General Assembly

(A)(1) No person shall operate or maintain a construction and demolition debris facility or processing facility without an annual construction and demolition debris facility or processing facility operation license issued by either of the following:

(a) The board of health of the health district in which the facility or processing facility is located;

(b) The director of environmental protection if the facility or processing facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code.

(2) Any such license may be issued with such terms and conditions as the board or the director, as appropriate, finds necessary to ensure that the facility or processing facility will comply with this chapter and the rules adopted under it and to protect the public health and safety and the environment. Licenses issued under this section expire annually on the thirty-first day of December.

(B) During the month of December, but before the first day of January of the next year, each person proposing to continue with operation of a construction and demolition debris facility or processing facility shall procure a license for the facility for that year from the board of health of the appropriate health district or from the director, as applicable. The person shall submit the application for a license to the board of health or the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. A person shall submit an application for a license for a new facility or processing facility prior to operation of the new facility. The license is valid until the time that the next annual license is required to be obtained for the facility or processing facility under this section.

A person who has received a license, upon sale or disposition of the facility or processing facility, may, with the approval of the board or the director, as appropriate, have the license as well as a permit to install for the facility or the processing facility transferred to another person. The board or director may disapprove the transfer of the permit or license, as applicable, for any of the reasons



specified in division (B) of section 3714.052 of the Revised Code for the denial of an application for a permit to install.

(C)(1) An applicant for an annual license for a processing facility shall submit an application to a board of health or the director, as applicable, on a form that the director prescribes. The applicant shall include with the application a nonrefundable application fee of one hundred dollars. If an applicant submits an application proposing to continue with the operation of a processing facility after the last day of September of the year preceding that for which the license is sought, the applicant shall pay an additional ten per cent of the amount owed for the application fee.

(2) Upon issuance of a license, the licensee shall pay to the board of health or director an annual license fee of six hundred fifty dollars. The annual license fee applies to private operators and the state and its political subdivisions. The licensee shall pay the annual license fee within thirty days after issuance of the license. Each license shall specify that it is conditioned upon payment of the annual license fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(3) If the application for an annual license for a processing facility is submitted to a board of health on the approved list under section 3714.09 of the Revised Code, any application, license, and late fees shall be credited to the special fund of the health district created in division (A)(4) of section 3714.07 of the Revised Code. If the application for an annual license is submitted to the director, all application, license, and late fees shall be credited to the waste management fund created in section 3734.061 of the Revised Code.

(D) Upon issuance of a license by a board of health under this section, the board shall mail a copy of the license to the director together with a copy of the plans for the operation of the construction and demolition debris facility or processing facility or any necessary plan updates, as applicable, that are required under section 3714.061 of the Revised Code.

(E) The director or a board of health shall not issue a license for a processing facility under this section when the horizontal limits of construction and demolition debris processing at a proposed facility or at a facility at which an expansion is proposed are to be located in any of the following locations:



(1) Within one hundred feet of a perennial stream as defined by the United States geological survey seven and one-half minute quadrangle map or a category 3 wetland;

(2) Within one hundred feet of the facility's property line;

(3) Within five hundred feet of an occupied dwelling.

(F) The director or a board of health shall not issue a license for a processing facility under this section unless the facility will have both of the following:

(1) Access roads constructed in a manner that allows use in all weather conditions and that will withstand the anticipated degree of use and minimize erosion and generation of dust;

(2) Surface water drainage and sediment controls that are required by the director.

(G) A license issued under this section may be modified in accordance with rules adopted under section 3714.02 of the Revised Code.

(H) Division (E) of this section does not apply to a processing facility that was in operation prior to the effective date of this amendment . However, division (E) of this section does apply to a processing facility that was in operation prior to the effective date of this amendment if the processing facility makes a request to the director or board of health, as applicable, to expand the horizontal limits of the construction and demolition debris processing areas at the facility.