



Ohio Administrative Code

Rule 3745-50-704 Issuing a standardized permit - preparation of a final standardized permit.

Effective: March 7, 2025

(A) Requirements for the director to prepare a draft standardized permit.

(1) The director shall review the "Notice of Intent" and supporting information submitted by the facility owner or operator.

(2) The director shall determine whether the facility is or is not eligible to operate under the standardized permit.

(a) If the facility is eligible for the standardized permit, the director shall propose terms and conditions, if any, to include in a supplemental portion. If the director determines that these terms and conditions are necessary to protect human health and the environment and cannot be imposed, the director shall tentatively deny coverage under the standardized permit. The facility has submitted an incomplete or inadequate materials with the "Notice of Intent."

(b) If the facility is not eligible for the standardized permit, the director shall tentatively deny coverage under the standardized permit. Cause for ineligibility may include, but is not limited to:

(i) Failure of the owner or operator to submit all the information required under paragraph (B) of rule 3745-50-270 of the Administrative Code.

(ii) Information submitted that is required under paragraph (B) of rule 3745-50-270 of the Administrative Code is determined to be inadequate.

(iii) The facility does not meet the eligibility requirements (activities are outside the scope of the standardized permit).

(iv) Demonstrated history of significant non-compliance with applicable requirements.



(v) Permit conditions cannot ensure protection of human health and the environment.

(c) The director shall prepare the owner's or operator's draft permit decision with one hundred twenty days after receiving the "Notice of Intent" and supporting documents from a facility owner or operator. The director's tentative determination under paragraph (A) of this rule to deny or grant coverage under the standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. The director is allowed a one-time extension of thirty days to prepare the draft permit decision. When the use of the thirty-day extension is anticipated, the director should inform the permit applicant during the initial one hundred twenty day review period. Reason for an extension may include, but is not limited to, needing to complete review of submittals with the "Notice of Intent" (e.g., closure plans, waste analysis plans, for facilities seeking to manage hazardous waste generated off-site).

(d) Many requirements in rules 3745-50-501 to 3745-50-508 of the Administrative Code and 40 CFR Part 124 subpart A apply to processing the standardized permit application and preparing the director's draft permit decision. For example, the director's draft permit decision shall be accompanied by a statement of basis or fact sheet, and shall be based on the administrative record. In preparing the director's draft permit decision, the following provisions of rules 3745-50-501 to 3745-50-508 of the Administrative Code and 40 CFR Part 124 subpart A apply (subject to the following modifications):

(i) Rule 3745-50-501 of the Administrative Code applies.

(ii) Rule 3745-50-502 of the Administrative Code applies.

(iii) 40 CFR 124.3 applies, except paragraphs 40 CFR 124.3(c), 40 CFR 124.3(d), 40 CFR 124.3(f), and 40 CFR 124.3(g).

(iv) 40 CFR 124.4 applies; however, in the context of a standardized permit, the reference to the public comment period is paragraph (B) of rule 3745-50-707 of the Administrative Code instead of 40 CFR 124.10.

(v) Rule 3745-50-505 of the Administrative Code does not apply.



(vi) Rule 3745-50-506 of the Administrative Code does not apply; procedures in rules 3745-50-700 to 3745-50-711 apply instead.

(vii) 40 CFR 124.7 applies.

(viii) Rule 3745-50-508 of the Administrative Code applies; however, in the context of the standardized permit, the reference to the public comment period is paragraph (B) of rule 3745-50-707 of the Administrative Code instead of 40 CFR 124.10.

(ix) [Reserved.]

(x) 40 CFR 124.10. Only 40 CFR 124.10(c)(1)(ix) and 40 CFR 24.10(c)(1)(x)(A) apply to the standardized permit. Most of 40 CFR 124.10 does not apply to the standardized permit; paragraphs (A), (B), and (C) of rule 3745-50-707 of the Administrative Code apply instead.

(B) Requirements for the director when preparing a final standardized permit.

(1) The director shall consider all comments received during the public comment period [see paragraph (B) of rule 3745-50-707 of the Administrative Code] in making the final hazardous waste management permit decision. In addition, many requirements in rules 3745-50-501 to 3745-50-508 of the Administrative Code and 40 CFR Part 124 subpart A apply to the public comment period, public hearings, and preparation of the director's final permit decision. In preparing a final permit decision, the following provisions of rules 3745-50-501 to 3745-50-508 of the Administrative Code and 40 CFR Part 124 subpart A apply (subject to the following modifications):

(a) Rule 3745-50-501 of the Administrative Code applies.

(b) Rule 3745-50-502 of the Administrative Code applies.

(c) 40 CFR 124.11 does not apply to the standardized permit; the procedures in paragraph (B) of rule 3745-50-707 of the Administrative Code apply instead.

(d) 40 CFR 124.12, paragraphs 40 CFR 124.12(b), 40 CFR 124.12(c), and 40 CFR 124.12(d) apply.



(e) 40 CFR 124.13 applies; however, in the context of the standardized permit, the reference to the public comment period is paragraph (B) of rule 3745-50-707 of the Administrative Code instead of 40 CFR 124.10.

(f) 40 CFR 124.14 applies; however, in the context of the standardized permit, use the following references:

(i) In 40 CFR 124.14(b)(1) use reference to paragraph (A) of rule 3745-50-704 of the Administrative Code instead of rule 3745-50-506 of the Administrative Code;

(ii) In 40 CFR 124.14(b)(3) use reference to paragraph (B) of rule 3745-50-707 of the Administrative Code instead of 40 CFR 124.10;

(iii) In 40 CFR 124.14(c) use reference to paragraph (A) of rule 3745-50-707 of the Administrative Code instead of 40 CFR 124.10.

(g) 40 CFR 124.15 applies; however, in the context of the standardized permit, the reference to the public comment period is paragraph (B) of rule 3745-50-707 of the Administrative Code instead of 40 CFR 124.10.

(h) 40 CFR 124.16 applies.

(i) 40 CFR 124.17 does not apply to the standardized permit; procedures in paragraph (C) of rule 3745-50-707 of the Administrative Code apply instead.

(j) [Reserved.]

(k) 40 CFR 124.19. Provisions regarding RCRA permit appeals apply.

(l) 40 CFR 124.20 applies.

(2) [Reserved.]



(C) Situations in which the director may require a facility owner or operator to apply for an individual permit.

(1) Cases where the director may determine that a facility is not eligible for the standardized permit include, but are not limited to:

(a) The facility does not meet the criteria in paragraph (B) of rule 3745-50-700 of the Administrative Code.

(b) The facility has a demonstrated history of significant non-compliance with rules or permit conditions.

(c) The facility has a demonstrated history of submitting incomplete or deficient permit application information.

(d) The facility has submitted incomplete or inadequate materials with the "Notice of Intent."

(2) If the director determines that a facility is not eligible for the standardized permit, the director shall inform the facility owner or operator that the owner or operator is required to apply for an individual permit.

(3) The director may require any facility that has a standardized permit to apply for and obtain an individual hazardous waste management permit. Any interested person may petition the director to take action under this paragraph. Cases where the director may require an individual hazardous waste management permit include, but are not limited to:

(a) The facility is not in compliance with the terms and conditions of the standardized permit.

(b) Circumstances have changed since the time the facility owner or operator applied for the standardized permit, so that the facility's hazardous waste management practices are no longer appropriately controlled under the standardized permit.



(4) The director may require any facility that is authorized by a standardized permit to apply for an individual hazardous waste management permit only if the director has notified the facility owner or operator in writing that an individual hazardous waste management permit application is required. The director shall include in this notification a brief statement of the reasons for the director's decision, a statement setting a deadline for the owner or operator to file the application, and a statement that, on the effective date of the individual hazardous waste management permit, the facility's standardized permit automatically terminates. The director may grant additional time upon request from the facility owner or operator.

(5) When the director issues an individual hazardous waste management permit to an owner or operator otherwise subject to a standardized permit, the standardized permit for the owner's or operator's facility will automatically cease to apply on the effective date of the individual hazardous waste management permit.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]