



## Ohio Administrative Code

### Rule 3745-500-120 Procedures for issuing, denying, modifying, transferring, and revoking licenses and permits to install.

Effective: July 1, 2020

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[Comment: Procedures for suspending a license can be found in rule 3745-501-40 of the Administrative Code.]

(A) In deciding whether to issue, deny, or modify a permit to install, the director shall solicit the input and coordinate the issuance of the permit to install with all relevant divisions of Ohio EPA. The director may consult with other divisions or persons as the director deems appropriate.

(B) When issuing, denying, modifying, approving transfer of, denying transfer of, or revoking a license or a permit to install for a facility, the director shall act in accordance with Chapters 119., 3714., 3734., and 3745. of the Revised Code, as applicable.

(C) When issuing, denying, modifying, approving transfer of, denying transfer of, or revoking a license for a facility, the approved board of health shall act in accordance with Chapters 3714., 3734., and sections 3709.20 and 3709.21 of the Revised Code, as applicable.

(D) When denying a license, revoking a license, or denying transfer of a license for a facility, the approved board of health shall provide at a minimum the following:

(1) To the owner and operator of the facility or the applicant for the license, the following:

(a) Notice of the approved board of health's intent to deny or revoke a license. This notice shall include a provision informing the applicant, owner, or operator of the right to a hearing prior to the issuance by the approved board of health of a final action denying or revoking a license. This notice shall provide a period of thirty days in which to request a hearing.

(b) Upon request, a hearing, held in accordance with section 3709.20 of the Revised Code, at which the persons that have requested the hearing are provided the following:



- (i) The right to appear in person, by attorney, or by other such representation permitted to appear before the approved board of health.
  - (ii) The opportunity to present evidence at the hearing, including the testimony of witnesses under oath, and the opportunity to cross examine opposing witnesses.
  - (iii) The opportunity to proffer evidence that has been determined to be inadmissible.
  - (iv) A stenographic record of the hearing.
- (c) Prior to the issuance of a final action and subsequent to a hearing conducted by a referee or examiner in accordance with division (B) of section 3709.20 of the Revised Code, written recommendations presented to the approved board of health and an opportunity to submit written objections.
- (d) A copy of the final action of the approved board of health regarding the denial or revocation of the license, with findings of fact and conclusions of law based on the hearing held in accordance with section 3709.20 of the Revised Code. The copy with a statement of how and within what time period the final action may be appealed to the environmental review appeals commission shall be sent by certified mail or any other form of mail accompanied by a receipt. Such copy and statement shall also be sent by certified mail or any other form of mail accompanied by a receipt to persons who have requested a hearing.
- (2) To persons who have requested a hearing, upon receipt of a written signed request for a hearing, notice of the hearing date, time, and place not later than twenty days prior to the hearing.