



## Ohio Administrative Code

### Rule 3745-580-503 Criteria for approval and denial of a mobile scrap tire recovery facility registration certificate application.

Effective: June 30, 2023

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(A) An application, notwithstanding any deficiency, may be considered and acted upon if sufficient information is contained in the application for the director to determine whether the criteria set forth in this rule are satisfied.

(B) Approval. The director shall not approve an application for a mobile scrap tire recovery facility registration certificate unless the director determines all of the following:

(1) The establishment or modification and operation of the mobile scrap tire recovery facility will not violate Chapter 3704., 3734., 3745., or 6111. of the Revised Code and the rules adopted thereunder.

(2) An applicant or person listed as the business owner or operator of the mobile scrap tire recovery facility is in substantial compliance with, or is on a legally enforceable schedule through issuance of an administrative consent order or judicial consent order to attain compliance with applicable provisions of Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate. An applicant or person listed as the business owner or operator is not in substantial compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code if the applicant has committed a significant or material violation of an environmental law or has committed numerous, other violations of environmental laws such that the violations reveal a practice of noncompliance with environmental laws.

(3) The applicant or person listed as the business owner or operator of the mobile scrap tire recovery facility has maintained a history of compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code by resolving all administrative and judicial enforcement actions that were brought against them that were based on a significant or material violation of an environmental law, or were based on numerous, other violations of environmental laws that revealed a practice of noncompliance with environmental laws at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste



facilities they own or operate or at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they have previously owned or operated. For purposes of this rule, an enforcement action has been resolved if the business owner or operator has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the business owner or operator of the mobile scrap tire recovery facility has adjudicated the issue of whether they are in violation of environmental laws to finality.

(4) The applicant has submitted a draft financial assurance instrument in accordance with rules 3745-503-05 and 3745-580-22 of the Administrative Code.

(C) Upon approval, the registration certificate shall remain in effect until the director has received, and approved in writing, certification that all necessary closure activities have been completed, unless the registration certificate has been revoked in accordance with rule 3745-580-510 of the Administrative Code.

(D) Denial. The director may deny an approval for a registration certificate for any of the following reasons:

(1) Any of the criteria in paragraph (B) of this rule that are applicable to the mobile scrap tire recovery facility are not met.

(2) The registration certificate application is incomplete and the applicant has not corrected noted deficiencies identified by the director and resubmitted the application not later than thirty days after receipt of the notice of deficiency.

(3) Falsification of any material information that is submitted to the director as part of the registration certificate application.