Solid Waste Landfill Permit-to-Install Process

A solid waste permit-to-install (PTI) must be obtained from Ohio EPA before a solid waste facility can be constructed or expanded in Ohio. A PTI outlines how the facility will comply with Ohio's siting, design, construction, monitoring and operational requirements.

Public Involvement

Public involvement is a priority at Ohio EPA and the Agency strives to involve citizens in the decision-making process. There are a number of opportunities to learn about Ohio EPA's permitting process, technical requirements and how to provide input during the review process. These include the applicant's meeting, Ohio EPA's public information session and Ohio EPA's public hearing. These meetings are held as close as possible to the proposed or modified facility, and the date and time of each meeting is published in local newspapers at least 30 days prior to the meeting. Notices of Ohio EPA's meetings are also posted on the Agency's web page.

The applicant's and Ohio EPA's public meetings are not required for all permit applications. For more specific information about public involvement opportunities, refer to the Public Involvement Requirements for Solid Waste Permits fact sheet.

In addition, an interested party may make arrangements with staff in the local Ohio EPA district office to review the permit application, to assist with understanding the technical criteria used when reviewing a permit application and to explain the permit review process.

Application Received

The application process begins when Ohio EPA receives a solid waste facility PTI application at the appropriate district office. Ohio EPA publishes a legal notice to inform the public that a PTI application has been received. The notice appears online in Ohio EPA's Weekly Review and in the local newspapers of general circulation in the county in which the facility is located or proposed to be located.

Ohio EPA District Offices

Central District
50 W. Town St., Suite 700
Columbus, OH 43216-1049
(614) 728-3778

Northwest District
347 N. Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461

Southwest District
401 E. Fifth St.
Dayton, OH 45402
(937) 285-6357

Northeast District
2110 E. Aurora Rd.
Twinsburg, OH 44097
(330) 963-1200

Southeast District
2195 Front St.
Logan, OH 43138
(740) 385-8501

Applicant's Public Meeting

Depending on the purpose of the permit and the type of facility, the applicant must conduct a public meeting to provide information about the application and to respond to citizen comments and questions. An Ohio EPA employee also attends the meeting to describe the permitting process.

[1] Note: This document was originally published in December 2016. DMWM re-issued the document to make it consistent with current formatting and publication standards after evaluating the content and determining it is still relevant and appropriate. No substantive changes were made to the document.

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The meeting must occur no later than 45 days after the application is submitted. The applicant must publish a notice in local newspapers at least 30 days before the meeting. The applicant forwards a copy of the notice to the director of Ohio EPA and to the legislative authority and chief executive officer of the municipality, township and county in which the facility is proposed or located. After the meeting, the applicant forwards a copy of the meeting transcript and any other pertinent information to Ohio EPA.

Application Review

Ohio EPA reviews the PTI application to determine if the application is complete and meets applicable requirements. If there are deficiencies, the Agency sends a letter to the applicant detailing the deficiencies and may request additional information.

After the permit has been reviewed, and before the issuance of a draft or proposed action, Ohio EPA holds a public information session to discuss the Agency's review of the application. The applicant is available at this information session to answer questions as directed by Ohio EPA.

If the permit application is for a minor modification, Ohio EPA may go directly to a final decision.

If the Application Meets Requirements

If the application meets the requirements, Ohio EPA issues a draft PTI. Ohio EPA then issues a public notice announcing the issuance of the draft permit, the time and location of the public hearing and the date the comment period ends (a minimum of 30 days). Notification is also sent to all parties on the Agency's mailing list for that permit.

At the public hearing, interested parties may comment on the PTI for the official record. Comments are recorded. This administrative record is part of the information Ohio EPA's director considers in deciding whether to issue or deny a permit. Citizens who choose not to offer oral testimony are encouraged to submit their comments in writing. Written comments also become part of the official record and are given the same consideration as oral testimony.

Following the public comment period, Ohio EPA reviews the comments, prepares a written response to comments and makes it available to everyone who commented.

After receiving a recommendation from Ohio EPA staff, including comments received from interested parties, the director may issue a final permit or request additional information from the applicant.

When Reviewing a Permit, Ohio Law Requires Ohio EPA to Consider:

- The siting, design, construction, monitoring and operations of the facility. The facility must meet the standards established in Ohio Administrative and Revised Codes.
- The background check. For new landfills, the Ohio Attorney General's Office conducts a background check before Ohio EPA can issue a permit. This check verifies the permit applicant's reliability, expertise and competence in the solid waste business. It also prohibits people with convictions of disqualifying crimes from being involved in the business.

When Reviewing a Permit, Ohio Law Does Not Authorize Ohio EPA to Consider:

- Local zoning. Local officials enforce any zoning codes in effect.
- Whether the waste comes from out of state. Federal law considers waste as a commodity; therefore, states cannot restrict importation of out of state waste.
- Potential increase in truck traffic.
- Possible effect the landfill may have on property values.
- How popular or unpopular the landfill may be.

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Additional Permitting Needs

Issuance of a permit often requires coordination within Ohio EPA and with other agencies to address additional permits covering other environmental impacts/issues. Various permitting and public involvement requirements may be needed in addition to the Solid Waste PTI. One hearing may address more than one type of permit, and sometimes multiple hearings are necessary to address all the different permits needed. The director may issue a single permit to address all the environmental impacts/issues, issue the solid waste permit concurrently or subsequent to other permits, or issue the solid waste permit without waiting for other permits to be issued.

If the Application Does Not Meet Requirements

If the application does not meet the requirements, Ohio EPA issues a proposed denial and the application is held for 30 days to allow affected parties the opportunity to request an adjudication hearing. Ohio EPA issues a public notice announcing the proposed denial.

A request for an adjudication hearing with the hearing examiner must be in writing and must specify the issues being contested. It must be requested within 30 days of notice of the director's action. Requests for an adjudication hearing should be sent to:

Ohio EPA Hearing Clerk
P.O. Box 1049
Columbus, OH 43216-1049

The hearing is held before an Ohio EPA hearing examiner who is an impartial attorney presiding over a formal process where two or more parties present evidence. During the adjudication process, additional information may be presented to the Agency. As a result, the permit may be withdrawn, issued as a final denial or issued as a draft or final approval. Further appeals can be made through the Environmental Review Appeals Commission (ERAC) and the courts.

If an adjudication hearing is not requested, the proposed denial becomes a final denial.

Final Decisions

Issuance of a final permit and issuance of a final denial are actions of the director. Ohio EPA issues a public notice announcing issuance or denial. Final actions may be appealed to ERAC. An appeal to ERAC must be in writing and specify the action being appealed and the grounds on which the appeal is based. For more information, visit ***Environmental Review Appeals Commission | Ohio.gov***.

Appeals must be filed with ERAC within 30 days of the director's final action. The appellant must also submit a copy of the appeal to the director of Ohio EPA within three days of filing with ERAC. An appeal must be filed with:

Environmental Review Appeals Commission
77 S. High St., 17th Floor
Columbus, Ohio 43215
(614) 466-8950

Disclaimer

This document is intended for guidance purposes only. Completion of the activities and procedures outlined in this document shall not release an owner or operator from any requirement or obligation for complying with Ohio Revised Code (ORC) Chapter 3734 or 3714 if appropriate, the OAC rules adopted thereunder, or any authorizing documents or orders issued thereunder, nor shall it prevent Ohio EPA from pursuing enforcement actions to require compliance with ORC Chapter 3734 or 3714, the OAC rules or any authorizing documents or orders issued thereunder.