

AN ACT

To enact section 3734.576 of the Revised Code and to amend Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly to authorize a solid waste management district to exempt automotive shredder residue from the district's generation fee, to extend the moratorium on the issuance of licenses for new construction and demolition debris facilities, and to create an exemption to the moratorium under certain circumstances.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3734.576 of the Revised Code be enacted to read as follows:

Sec. 3734.576. (A) As used in this section:

(1) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.

(2) "Automotive shredder residue" means the nonrecyclable residue that is generated as a direct result of processing automobiles, appliances, sheet steel, and other ferrous and nonferrous scrap metals through a hammermill shredder for purposes of recycling and that meets all of the following requirements:

(a) The residue is solid waste.

(b) The residue is not hazardous waste.

(c) The residue created during the recycling process comprises not more than thirty-five per cent of the total weight of material that is processed for recycling.

(d) The residue is generated by processing recycled materials that are to be sold, used, or reused within ninety days of the time when the material is processed.

(B)(1) The solid waste management policy committee of a solid waste management district that is levying a solid waste generation fee under section 3734.573 of the Revised Code may adopt a resolution exempting

automotive shredder residue from that fee without the necessity for ratification of the resolution or may include the exemption in an amended solid waste management plan of the district adopted under section 3734.56 of the Revised Code at the time when adoption of an amended plan is required. Not later than seven days after the adoption of such a resolution or the approval of an amended plan, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the exemption. The exemption shall take effect on the first day of the first month following the month in which notification is sent to each disposal facility and transfer facility, as applicable.

The policy committee of a solid waste management district may establish procedures and requirements, including record-keeping procedures and requirements, that are necessary for the administration and enforcement of an exemption established under division (B)(1) of this section.

(2) If the policy committee of a solid waste management district has adopted a resolution under division (B)(1) of this section and the committee seeks to continue exempting automotive shredder residue from the district's generation fee at the time when the district is required to adopt an amended solid waste management plan under section 3734.56 of the Revised Code, the committee shall include the exemption in the amended plan of the district. If the exemption is not included in the amended plan of the district, the exemption shall expire and shall cease to apply as provided in division (C) of this section.

(C) If the policy committee of a solid waste management district seeks to eliminate an exemption of automotive shredder residue from the district's generation fee that was established under division (B)(1) of this section, the committee shall adopt a resolution eliminating the exemption without the necessity for ratification of the resolution. After adoption of the resolution and if the district has included the exemption in its amended solid waste management plan in accordance with either division (B)(1) or (2) of this section, the committee shall subsequently amend the plan to reflect the elimination of the exemption at the time when the adoption of an amended plan is required under section 3734.56 of the Revised Code.

Upon expiration of the exemption or adoption of a resolution eliminating the exemption, the policy committee shall notify by certified mail the owner or operator of each solid waste disposal facility or transfer facility that is required to collect generation fees on behalf of the district of the expiration or elimination of the exemption, as applicable. The exemption shall cease to apply on the first day of the first month following the month in

which notification is sent to each disposal facility and transfer facility, as applicable.

SECTION 2. That Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly be amended to read as follows:

Sec. 513.03. (A) Notwithstanding any provision of law to the contrary and during the period beginning July 1, 2005, and ending ~~December 31~~ May 1, 2005 2006, or the effective date of H.B. 397 of the 126th General Assembly, whichever is earlier, the Director of Environmental Protection or a board of health as defined in section 3714.01 of the Revised Code shall not issue a license to open a new construction and demolition debris facility under Chapter 3714. of the Revised Code and rules adopted under it. Except as otherwise provided in this division, the moratorium established by this division applies both with respect to an application for a license to open a new construction and demolition debris facility that is submitted on or after the effective date of this section and to an application for such a license that has been submitted to the Director or a board of health prior to the effective date of this section, but concerning which a license for a facility has not been issued as of that effective date.

The board of county commissioners of a county may request the Director or a board of health to continue to process an application for a license to open a new construction and demolition debris facility in that county that has been submitted to the Director or board of health prior to the effective date of this section. After receiving such a request from a board of county commissioners, the Director or board of health may then issue a license for the new construction and demolition debris facility notwithstanding the moratorium established by this division.

The moratorium established by this division does not apply to a license for a new construction and demolition debris facility if the new facility will be located adjacent or contiguous to a previously licensed construction and demolition debris facility. The moratorium also does not apply to an expansion of or other modification to an existing licensed construction and demolition debris facility.

(B) The moratorium established by division (A) of this section does not apply to an application for a license to establish a construction and demolition debris facility pending before a board of health or the Director of Environmental Protection, as applicable, prior to July 1, 2005, and such an application shall be reviewed and the license shall be issued or denied in accordance with Chapter 3714. of the Revised Code, if all of the following apply to the applicant for the license:

(1) The applicant has acquired an interest in the property on which the facility will be located on or before May 1, 2005.

(2) The applicant has begun a hydrogeologic investigation pursuant to section 3745-400-09 of the Ohio Administrative Code prior to submitting the application.

(3) The applicant has begun the engineering plans for the facility prior to submitting the application.

(4) The application submitted by the applicant would have been determined to be complete if the moratorium had not been in effect.

The director shall determine whether this division applies to an applicant within forty-five days after receiving an applicant's request for a determination under this division.

(C)(1) There is hereby created the Construction and Demolition Debris Facility Study Committee composed of the following thirteen members:

(a) Three members of the House of Representatives appointed by the Speaker of the House of Representatives;

(b) Three members of the Senate appointed by the President of the Senate;

(c) The Director of Environmental Protection or the Director's designee;

(d) One member representing health districts in the state appointed by the Governor;

(e) Three members representing the construction and demolition debris industry in the state appointed by the Governor, one of whom shall be the owner of both a construction and demolition debris facility and a solid waste disposal facility;

(f) Two members representing environmental consulting organizations or firms in the state appointed by the Governor.

Appointments shall be made to the Committee not later than fifteen days after the effective date of this section. Members of the Committee shall not receive compensation for their service on the Committee and shall not receive reimbursement for expenses incurred related to that service.

(2) The Committee shall study the laws of this state governing construction and demolition debris facilities and the rules adopted under those laws and shall make recommendations to the General Assembly regarding changes to those laws including, but not limited to, recommendations concerning the following topics:

(a) The establishment of a code of ethics for owners and operators of construction and demolition debris facilities;

(b) The establishment of best management practices;

(c) Licensing requirements;

- (d) Testing and monitoring requirements and protocols;
 - (e) Siting and setback criteria for construction and demolition debris facilities;
 - (f) State and local oversight and regulatory authority;
 - (g) Fees;
 - (h) The regulation of construction and demolition debris from sources inside and outside the state;
 - (i) The closure process for construction and demolition debris facilities.
- (3) The Committee shall submit a report of its study and any recommendations that it has developed to the General Assembly not later than September 30, 2005. The Committee shall cease to exist on the date on which it submits its report.

The General Assembly shall enact legislation based on the recommendations of the Committee as soon as is practicable.

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SECTION 3. That existing Section 513.03 of Am. Sub. H.B. 66 of the 126th General Assembly is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____