

**As Reported by the Senate Agriculture and Natural Resources Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 119**

**Senator Reineke**

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**A BILL**

To amend sections 343.01, 343.011, 343.012, 1  
343.022, 343.08, 3714.07, 3714.073, 3734.521, 2  
3734.53, 3734.57, and 3734.574 and to enact 3  
section 3734.579 of the Revised Code to make 4  
changes to the laws governing the transfer and 5  
disposal of solid waste and construction and 6  
demolition debris, including the revision and 7  
establishment of certain fees. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 343.01, 343.011, 343.012, 9  
343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3734.57, 10  
and 3734.574 be amended and section 3734.579 of the Revised Code 11  
be enacted to read as follows: 12

**Sec. 343.01.** (A) In order to comply with division (B) of 13  
section 3734.52 of the Revised Code, the board of county 14  
commissioners of each county shall do one of the following: 15

(1) Establish, by resolution, and maintain a county solid 16  
waste management district under this chapter that consists of 17  
all the incorporated and unincorporated territory within the 18  
county except as otherwise provided in division (A) of this 19

section; 20

(2) With the boards of county commissioners of one or more 21  
other counties establish, by agreement, and maintain a joint 22  
solid waste management district under this chapter that consists 23  
of all the incorporated and unincorporated territory within the 24  
counties forming the joint district except as otherwise provided 25  
in division (A) of this section. 26

If a municipal corporation is located in more than one 27  
solid waste management district, the entire municipal 28  
corporation shall be considered to be included in and shall be 29  
under the jurisdiction of the district in which a majority of 30  
the population of the municipal corporation resides. 31

A county and joint district established to comply with 32  
division (B) of section 3734.52 of the Revised Code shall have a 33  
population of not less than one hundred twenty thousand unless, 34  
in the instance of a county district, the board of county 35  
commissioners has obtained an exemption from that requirement 36  
under division (C)(1) or (2) of that section. Each joint 37  
district established to comply with an order issued under 38  
division (D) of that section shall have a population of at least 39  
one hundred twenty thousand. 40

(B) The boards of county commissioners of the counties 41  
establishing a joint district constitute, collectively, the 42  
board of directors of the joint district, except that if a 43  
county with a form of legislative authority other than a board 44  
of county commissioners participates, it shall be represented on 45  
the board of directors by three persons appointed by the 46  
legislative authority. 47

The agreement to establish and maintain a joint district 48

shall be ratified by resolution of the board of county 49  
commissioners of each participating county. Upon ratification, 50  
the board of directors shall take control of and manage the 51  
joint district subject to this chapter, except that, in the case 52  
of a joint district formed pursuant to division ~~(C)~~(H), ~~(D)~~(I), 53  
or ~~(E)~~(J) of section 343.012 of the Revised Code, the board of 54  
directors shall take control of and manage the district when the 55  
formation of the district becomes final under the applicable 56  
division. A majority of the board of directors constitutes a 57  
quorum, and a majority vote is required for the board to act. 58

A county participating in a joint district may contribute 59  
lands or rights or interests therein, money, other personal 60  
property or rights or interests therein, or services to the 61  
district. The agreement shall specify any contributions of 62  
participating counties and the rights of the participating 63  
counties in lands or personal property, or rights or interests 64  
therein, contributed to or otherwise acquired by the joint 65  
district. The agreement may be amended or added to by a majority 66  
vote of the board of directors, but no amendment or addition 67  
shall divest a participating county of any right or interest in 68  
lands or personal property without its consent. 69

The board of directors may appoint and fix the 70  
compensation of employees of, accept gifts, devises, and 71  
bequests for, and take other actions necessary to control and 72  
manage the joint district. Employees of the district shall be 73  
considered county employees for the purposes of Chapter 124. of 74  
the Revised Code and other provisions of state law applicable to 75  
employees. Instead of or in addition to appointing employees of 76  
the district, the board of directors may agree to use employees 77  
of one or more of the participating counties in the service of 78  
the joint district and to share in their compensation in any 79

manner that may be agreed upon. 80

The board of directors shall do one of the following: 81

(1) Designate the county auditor, including any other 82  
official acting in a capacity similar to a county auditor under 83  
a county charter, of a county participating in the joint 84  
district as the fiscal officer of the district, and the county 85  
treasurer, or other official acting in a capacity similar to a 86  
county treasurer under a county charter, of that county as the 87  
treasurer of the district. The designated county officials shall 88  
perform any applicable duties for the district as each typically 89  
performs for the county of which the individual is an official, 90  
except as otherwise may be provided in any bylaws or resolutions 91  
adopted by the board of directors. The board of directors may 92  
pay to that county any amount agreed upon by the board of 93  
directors and the board of county commissioners of that county 94  
to reimburse that county for the cost properly allocable to the 95  
service of its officials as fiscal officer and treasurer of the 96  
joint district. 97

(2) Appoint one individual who is neither a county auditor 98  
nor a county treasurer, and who may be an employee of the 99  
district, to serve as both the treasurer of the district and its 100  
fiscal officer. That individual shall act as custodian of the 101  
funds of the board and the district and shall maintain all 102  
accounts of the district. Any reference in this chapter or 103  
Chapter 3734. of the Revised Code to a county auditor or county 104  
treasurer serving as fiscal officer of a district or custodian 105  
of any funds of a board or district is deemed to refer to an 106  
individual appointed under division (B) (2) of this section. 107

The fiscal officer of a district shall establish a general 108  
fund and any other necessary funds for the district. 109

(C) A board of county commissioners of a county district 110  
or board of directors of a joint district may acquire, by 111  
purchase or lease, construct, improve, enlarge, replace, 112  
maintain, and operate such solid waste collection systems within 113  
their respective districts and such solid waste facilities 114  
within or outside their respective districts as are necessary 115  
for the protection of the public health. A board of county 116  
commissioners may acquire within its county real property or any 117  
estate, interest, or right therein, by appropriation or any 118  
other method, for use by a county or joint district in 119  
connection with such facilities. Appropriation proceedings shall 120  
be conducted in accordance with sections 163.01 to 163.22 of the 121  
Revised Code. 122

(D) The sanitary engineer or sanitary engineering 123  
department of a county maintaining a district and any sanitary 124  
engineer or sanitary engineering department of a county in a 125  
joint district, as determined by the board of directors, in 126  
addition to other duties assigned to that engineer or 127  
department, shall assist the board of county commissioners or 128  
directors in the performance of their duties under this chapter 129  
and sections 3734.52 to 3734.575 of the Revised Code and shall 130  
be charged with any other duties and services in relation 131  
thereto that the board prescribes. A board may employ registered 132  
professional engineers to assist the sanitary engineer in those 133  
duties and also may employ financial advisers and any other 134  
professional services it considers necessary to assist it in the 135  
construction, financing, and maintenance of solid waste 136  
collection or other solid waste facilities. Such contracts of 137  
employment shall not require the certificate provided in section 138  
5705.41 of the Revised Code. Payment for such services may be 139  
made from the general fund or any other fund legally available 140

for that use at times that are agreed upon or as determined by 141  
the board of county commissioners or directors, and the funds 142  
may be reimbursed from the proceeds of bonds or notes issued to 143  
pay the cost of any improvement to which the services related. 144

(E) (1) The prosecuting attorney of the county shall serve 145  
as the legal advisor of a county district and shall provide such 146  
services to the board of county commissioners of the district as 147  
are required or authorized to be provided to other county boards 148  
under Chapter 309. of the Revised Code, except that, if the 149  
board considers it to be necessary or appropriate, the board, on 150  
its own initiative, may employ an attorney or other legal 151  
counsel on an annual basis to serve as the legal advisor of the 152  
district in place of the prosecuting attorney. When the 153  
prosecuting attorney is serving as the district's legal advisor 154  
and the board considers it to be necessary or appropriate, the 155  
board, on its own initiative, may employ an attorney or other 156  
legal counsel to represent or advise the board regarding a 157  
particular matter in place of the prosecuting attorney. The 158  
employment of an attorney or other legal counsel on an annual 159  
basis or in a particular matter is not subject to or governed by 160  
sections 305.14 and 309.09 of the Revised Code. 161

Notwithstanding the employment of an attorney or other 162  
legal counsel on an annual basis to serve as the district's 163  
legal advisor, the board may require written opinions or 164  
instructions from the prosecuting attorney under section 309.09 165  
of the Revised Code in matters connected with its official 166  
duties as though the prosecuting attorney were serving as the 167  
legal advisor of the district. 168

(2) The board of directors of a joint district may 169  
designate the prosecuting attorney of one of the counties 170

forming the district to serve as the legal advisor of the 171  
district. When so designated, the prosecuting attorney shall 172  
provide such services to the joint district as are required or 173  
authorized to be provided to county boards under Chapter 309. of 174  
the Revised Code. The board of directors may pay to that county 175  
any amount agreed upon by the board of directors and the board 176  
of county commissioners of that county to reimburse that county 177  
for the cost properly allocable to the services of its 178  
prosecuting attorney as the legal advisor of the joint district. 179  
When that prosecuting attorney is so serving and the board 180  
considers it to be necessary or appropriate, the board, on its 181  
own initiative, may employ an attorney or other legal counsel to 182  
represent or advise the board regarding a particular matter in 183  
place of the prosecuting attorney. 184

Instead of designating the prosecuting attorney of one of 185  
the counties forming the district to be the legal advisor of the 186  
district, the board of directors may employ on an annual basis 187  
an attorney or other legal counsel to serve as the district's 188  
legal advisor. Notwithstanding the employment of an attorney or 189  
other legal counsel as the district's legal advisor, the board 190  
of directors may require written opinions or instructions from 191  
the prosecuting attorney of any of the counties forming the 192  
district in matters connected with the board's official duties, 193  
and the prosecuting attorney shall provide the written opinion 194  
or instructions as though the prosecuting attorney had been 195  
designated to serve as the district's legal advisor under 196  
division (E) (2) of this section. 197

(F) A board of county commissioners may issue bonds or 198  
bond anticipation notes of the county to pay the cost of 199  
preparing general and detailed plans and other data required for 200  
the construction of solid waste facilities in connection with a 201

county or joint district. A board of directors of a joint solid waste management district may issue bonds or bond anticipation notes of the joint solid waste management district to pay the cost of preparing general and detailed plans and other data required for the construction of solid waste facilities in connection with a joint district. The bonds and notes shall be issued in accordance with Chapter 133. of the Revised Code, except that the maximum maturity of bonds issued for that purpose shall not exceed ten years. Bond anticipation notes may be paid from the proceeds of bonds issued either to pay the cost of the solid waste facilities or to pay the cost of the plans and other data.

(G) To the extent authorized by the solid waste management plan of the district approved under section 3734.521 or 3734.55 of the Revised Code or subsequent amended plans of the district approved under section 3734.521 or 3734.56 of the Revised Code, the board of county commissioners of a county district or board of directors of a joint district may adopt, publish, and enforce rules doing any of the following:

(1) Prohibiting or limiting the receipt of solid wastes generated outside the district or outside a service area prescribed in the solid waste management plan or amended plan, at facilities located within the solid waste management district, consistent with the projections contained in the plan or amended plan under divisions (A) (6) and (7) of section 3734.53 of the Revised Code. However, rules adopted by a board under division (G) (1) of this section may be adopted and enforced with respect to solid waste disposal facilities in the solid waste management district that are not owned by a county or the solid waste management district only if the board submits an application to the director of environmental protection that



demonstrates that there is insufficient capacity to dispose of 233  
all solid wastes that are generated within the district at the 234  
solid waste disposal facilities located within the district and 235  
the director approves the application. The demonstration in the 236  
application shall be based on projections contained in the plan 237  
or amended plan of the district. The director shall establish 238  
the form of the application. The approval or disapproval of such 239  
an application by the director is an action that is appealable 240  
under section 3745.04 of the Revised Code. 241

In addition, the director of environmental protection may 242  
issue an order modifying a rule adopted under division (G) (1) of 243  
this section to allow the disposal in the district of solid 244  
wastes from another county or joint solid waste management 245  
district if all of the following apply: 246

(a) The district in which the wastes were generated does 247  
not have sufficient capacity to dispose of solid wastes 248  
generated within it for six months following the date of the 249  
director's order. 250

(b) No new solid waste facilities will begin operation 251  
during those six months in the district in which the wastes were 252  
generated and, despite good faith efforts to do so, it is 253  
impossible to site new solid waste facilities within the 254  
district because of its high population density. 255

(c) The district in which the wastes were generated has 256  
made good faith efforts to negotiate with other districts to 257  
incorporate its disposal needs within those districts' solid 258  
waste management plans, including efforts to develop joint 259  
facilities authorized under section 343.02 of the Revised Code, 260  
and the efforts have been unsuccessful. 261

(d) The district in which the wastes were generated has 262  
located a facility willing to accept the district's solid wastes 263  
for disposal within the receiving district. 264

(e) The district in which the wastes were generated has 265  
demonstrated to the director that the conditions specified in 266  
divisions (G) (1) (a) to (d) of this section have been met. 267

(f) The director finds that the issuance of the order will 268  
be consistent with the state solid waste management plan and 269  
that receipt of the out-of-district wastes will not limit the 270  
capacity of the receiving district to dispose of its in-district 271  
wastes to less than eight years. 272

Any order issued under division (G) (1) of this section 273  
shall not become final until thirty days after it has been 274  
served upon the county or joint solid waste management district 275  
that will receive the out-of-district wastes either by certified 276  
mail or, if the director has record of an internet identifier of 277  
record associated with the district, by ordinary mail and by 278  
that internet identifier of record. 279

(2) Governing the maintenance, protection, and use of 280  
solid waste collection or other solid waste facilities located 281  
within its district. The rules adopted under division (G) (2) of 282  
this section shall not establish design standards for solid 283  
waste facilities and shall be consistent with the solid waste 284  
provisions of Chapter 3734. of the Revised Code and the rules 285  
adopted under those provisions. The rules adopted under division 286  
(G) (2) of this section may prohibit any person, municipal 287  
corporation, township, or other political subdivision from 288  
constructing, enlarging, or modifying any solid waste facility 289  
until general plans and specifications for the proposed 290  
improvement have been submitted to and approved by the board of 291

county commissioners or board of directors as complying with the 292  
solid waste management plan or amended plan of the district. The 293  
construction of such a facility shall be done under the 294  
supervision of the county sanitary engineer or, in the case of a 295  
joint district, a county sanitary engineer designated by the 296  
board of directors, and any person, municipal corporation, 297  
township, or other political subdivision proposing or 298  
constructing such improvements shall pay to the county or joint 299  
district all expenses incurred by the board in connection 300  
therewith. The sanitary engineer may enter upon any public or 301  
private property for the purpose of making surveys or 302  
examinations necessary for designing solid waste facilities or 303  
for supervising the construction, enlargement, modification, or 304  
operation of any such facilities. No person, municipal 305  
corporation, township, or other political subdivision shall 306  
forbid or interfere with the sanitary engineer or the sanitary 307  
engineer's authorized assistants entering upon such property for 308  
that purpose. If actual damage is done to property by the making 309  
of the surveys and examinations, a board shall pay the 310  
reasonable value of that damage to the owner of the property 311  
damaged, and the cost shall be included in the financing of the 312  
improvement for which the surveys and examinations are made. 313

(3) Governing the development and implementation of a 314  
program for the inspection of solid wastes generated outside the 315  
boundaries of this state that are disposed of at solid waste 316  
facilities included in the district's solid waste management 317  
plan or amended plan. A board of county commissioners or board 318  
of directors or its authorized representative may enter upon the 319  
premises of any solid waste facility included in the district's 320  
solid waste management plan or amended plan for the purpose of 321  
conducting the inspections required or authorized by the rules 322

adopted under division (G) (3) of this section. No person, 323  
municipal corporation, township, or other political subdivision 324  
shall forbid or interfere with a board of county commissioners 325  
or directors or its authorized representative entering upon the 326  
premises of any such solid waste facility for that purpose. 327

(4) Exempting the owner or operator of any existing or 328  
proposed solid waste facility provided for in the plan or 329  
amended plan from compliance with any amendment to a township 330  
zoning resolution adopted under section 519.12 of the Revised 331  
Code or to a county rural zoning resolution adopted under 332  
section 303.12 of the Revised Code that rezoned or redistricted 333  
the parcel or parcels upon which the facility is to be 334  
constructed or modified and that became effective within two 335  
years prior to the filing of an application for a permit 336  
required under division (A) (2) (a) of section 3734.05 of the 337  
Revised Code to open a new or modify an existing solid waste 338  
facility. 339

(H) A board of county commissioners or board of directors 340  
may enter into a contract with any person, municipal 341  
corporation, township, or other political subdivision for the 342  
operation and maintenance of any solid waste facilities 343  
regardless of whether the facilities are owned or leased by the 344  
county or joint district or the contractor. 345

(I) (1) No person, municipal corporation, township, or 346  
other political subdivision shall tamper with or damage any 347  
solid waste facility constructed under this chapter or any 348  
apparatus or accessory connected therewith or pertaining 349  
thereto, fail or refuse to comply with the applicable rules 350  
adopted by a board of county commissioners or directors under 351  
division (G) (1), (2), (3), or (4) of this section, refuse to 352

permit an inspection or examination by a sanitary engineer as 353  
authorized under division (G) (2) of this section, or refuse to 354  
permit an inspection by a board of county commissioners or 355  
directors or its authorized representative as required or 356  
authorized by rules adopted under division (G) (3) of this 357  
section. 358

(2) If the board of county commissioners of a county 359  
district or board of directors of a joint district has 360  
established facility designations under section 343.013, 361  
343.014, or 343.015 of the Revised Code, or the director has 362  
established facility designations in the initial or amended plan 363  
of the district prepared and ordered to be implemented under 364  
section 3734.521, 3734.55, or 3734.56 of the Revised Code, no 365  
person, municipal corporation, township, or other political 366  
subdivision shall deliver, or cause the delivery of, any solid 367  
wastes generated within a county or joint district to any solid 368  
waste facility other than the facility designated under section 369  
343.013, 343.014, or 343.015 of the Revised Code, or in the 370  
initial or amended plan of the district prepared and ordered to 371  
be implemented under section 3734.521, 3734.55, or 3734.56 of 372  
the Revised Code, as applicable, except that source separated 373  
recyclable materials may be taken to any legitimate recycling 374  
facility. Upon the request of a person or the legislative 375  
authority of a municipal corporation or township, the board of 376  
county commissioners of a county district or board of directors 377  
of a joint district may grant a waiver authorizing the delivery 378  
of all or any portion of the solid wastes generated in a 379  
municipal corporation or township to a solid waste facility 380  
other than the facility designated under section 343.013, 381  
343.014, or 343.015 of the Revised Code, or in the initial or 382  
amended plan of the district prepared and ordered to be 383

implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, regardless of whether the other facility is located within or outside of the district, if the board finds that delivery of those solid wastes to the other facility is not inconsistent with the projections contained in the district's initial or amended plan under divisions (A) (6) and (7) of section 3734.53 of the Revised Code as approved or ordered to be implemented and will not adversely affect the implementation and financing of the district's initial or amended plan pursuant to the implementation schedule contained in it under divisions (A) (12) (a) to (d) of that section. The board shall act on a request for such a waiver within ninety days after receiving the request. Upon granting such a waiver, the board shall send notice of that fact to the director. The notice shall indicate to whom the waiver was granted. Any waiver or authorization granted by a board on or before October 29, 1993, shall continue in force until the board takes action concerning the same entity under this division or until action is taken under division (G) of section 343.014 of the Revised Code.

(J) Divisions (G) (1) to (4) and (I) (2) of this section do not apply to the construction, operation, use, repair, enlargement, or modification of either of the following:

(1) A solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(2) A facility that exclusively disposes of wastes that are generated from the combustion of coal, or from the

combustion of primarily coal in combination with scrap tires, 414  
that is not combined in any way with garbage at one or more 415  
premises owned by the generator. 416

(K) (1) A member of the board of county commissioners of a 417  
county solid waste management district, member of the board of 418  
directors of a joint solid waste management district, member of 419  
the board of trustees of a regional solid waste management 420  
authority managing a county or joint solid waste management 421  
district, or officer or employee of any solid waste management 422  
district, for the purposes of sections 102.03, 102.04, 2921.41, 423  
and 2921.42 of the Revised Code, shall not be considered to be 424  
directly or indirectly interested in, or improperly influenced 425  
by, any of the following: 426

(a) A contract entered into under this chapter or section 427  
307.15 or sections 3734.52 to 3734.575 of the Revised Code 428  
between the district and any county forming the district, 429  
municipal corporation or township located within the district, 430  
or health district having territorial jurisdiction within the 431  
district, of which that member, officer, or employee also is an 432  
officer or employee, but only to the extent that any interest or 433  
influence could arise from holding public office or employment 434  
with the political subdivision or health district; 435

(b) A contract entered into under this chapter or section 436  
307.15 or sections 3734.52 to 3734.575 of the Revised Code 437  
between the district and a county planning commission organized 438  
under section 713.22 of the Revised Code, or regional planning 439  
commission created under section 713.21 of the Revised Code, 440  
having territorial jurisdiction within the district, of which 441  
that member also is a member, officer, or employee, but only to 442  
the extent that any interest or influence could arise from 443

holding public office or employment with the commission; 444

(c) An expenditure of money made by the district for the 445  
benefit of any county forming the district, municipal 446  
corporation or township located within the district, or health 447  
district or county or regional planning commission having 448  
territorial jurisdiction within the district, of which that 449  
member also is a member, officer, or employee, but only to the 450  
extent that any interest or influence could arise from holding 451  
public office or employment with the political subdivision, 452  
health district, or commission; 453

(d) An expenditure of money made for the benefit of the 454  
district by any county forming the district, municipal 455  
corporation or township located within the district, or health 456  
district or county or regional planning commission having 457  
territorial jurisdiction within the district, of which that 458  
member also is a member, officer, or employee, but only to the 459  
extent that any interest or influence could arise from holding 460  
public office or employment with the political subdivision, 461  
health district, or commission. 462

(2) A solid waste management district, county, municipal 463  
corporation, township, health district, or planning commission 464  
described or referred to in divisions (K) (1) (a) to (d) of this 465  
section shall not be construed to be the business associate of a 466  
person who is concurrently a member of the board of county 467  
commissioners, directors, or trustees, or an officer or 468  
employee, of the district and an officer or employee of that 469  
municipal corporation, county, township, health district, or 470  
planning commission for the purposes of sections 102.03, 471  
2921.42, and 2921.43 of the Revised Code. Any person who is 472  
concurrently a member of the board of county commissioners, 473



directors, or trustees, or an officer or employee, of a solid waste management district so described or referred to and an officer or employee of a county, municipal corporation, township, health district, or planning commission so described or referred to may participate fully in deliberations concerning and vote on or otherwise participate in the approval or disapproval of any contract or expenditure of funds described in those divisions as a member of the board of county commissioners or directors, or an officer or employee, of a county or joint solid waste management district; member of the board of trustees, or an officer or employee, of a regional solid waste management authority managing a county or joint solid waste management district; member of the legislative authority, or an officer or employee, of a county forming the district; member of the legislative authority, or an officer or employee, of a municipal corporation or township located within the district; member of the board of health, or an officer or employee, of a health district having territorial jurisdiction within the district; or member of the planning commission, or an officer or employee of a county or regional planning commission having territorial jurisdiction within the district.

(3) Nothing in division (K) (1) or (2) of this section shall be construed to exempt any member of the board of county commissioners, directors, or trustees, or an officer or employee, of a solid waste management district from a conflict of interest arising because of a personal or private business interest.

(4) A member of the board of county commissioners of a county solid waste management district, board of directors of a joint solid waste management district, or board of trustees of a regional solid waste management authority managing a county or

joint solid waste management district, or an officer or 505  
employee, of any such solid waste management district, neither 506  
shall be disqualified from holding any other public office or 507  
position of employment nor be required to forfeit any other 508  
public office or position of employment by reason of serving as 509  
a member of the board of county commissioners, directors, or 510  
trustees, or as an officer or employee, of the district, 511  
notwithstanding any requirement to the contrary under the common 512  
law of this state or the Revised Code. 513

(L) As used in this chapter: 514

(1) "Board of health," "disposal," "health district," 515  
"scrap tires," and "solid waste transfer facility" have the same 516  
meanings as in section 3734.01 of the Revised Code. 517

(2) "Change in district composition" and "change" have the 518  
same meaning as in section 3734.521 of the Revised Code. 519

(3) (a) Except as provided in division (L) (3) (b) or (c), 520  
and (d), of this section, "solid wastes" has the same meaning as 521  
in section 3734.01 of the Revised Code. 522

(b) If the solid waste management district is not one that 523  
resulted from proceedings for a change in district composition 524  
under sections 343.012 and 3734.521 of the Revised Code, until 525  
such time as an amended solid waste management plan is approved 526  
under section 3734.56 of the Revised Code, "solid wastes" need 527  
not include scrap tires unless the solid waste management policy 528  
committee established under section 3734.54 of the Revised Code 529  
for the district chooses to include the management of scrap 530  
tires in the district's initial solid waste management plan 531  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 532

(c) If the solid waste management district is one 533

resulting from proceedings for a change in district composition 534  
under sections 343.012 and 3734.521 of the Revised Code and if 535  
the change involves an existing district that is operating under 536  
either an initial solid waste management plan approved or 537  
prepared and ordered to be implemented under section 3734.55 of 538  
the Revised Code or an initial or amended plan approved or 539  
prepared and ordered to be implemented under section 3734.521 of 540  
the Revised Code that does not provide for the management of 541  
scrap tires and scrap tire facilities, until such time as the 542  
amended plan of the district resulting from the change is 543  
approved under section 3734.56 of the Revised Code, "solid 544  
wastes" need not include scrap tires unless the solid waste 545  
management policy committee established under division (C) of 546  
section 3734.521 of the Revised Code for the district chooses to 547  
include the management of scrap tires in the district's initial 548  
or amended solid waste management plan prepared under section 549  
3734.521 of the Revised Code in connection with the change 550  
proceedings. 551

(d) If the policy committee chooses to include the 552  
management of scrap tires in an initial plan prepared under 553  
sections 3734.54 and 3734.55 of the Revised Code or in an 554  
initial or amended plan prepared under section 3734.521 of the 555  
Revised Code, the board of county commissioners or directors 556  
shall execute all of the duties imposed and may exercise any or 557  
all of the rights granted under this section for the purpose of 558  
managing solid wastes that consist of scrap tires. 559

(4) (a) Except as provided in division (L) (4) (b) or (c), 560  
and (d) of this section, "facility" has the same meaning as in 561  
section 3734.01 of the Revised Code and also includes any solid 562  
waste transfer, recycling, or resource recovery facility. 563

(b) If the solid waste management district is not one that 564  
resulted from proceedings for a change in district composition 565  
under sections 343.012 and 3734.521 of the Revised Code, until 566  
such time as an amended solid waste management plan is approved 567  
under section 3734.56 of the Revised Code, "facility" need not 568  
include any scrap tire collection, storage, monocell, monofill, 569  
or recovery facility unless the solid waste management policy 570  
committee established under section 3734.54 of the Revised Code 571  
for the district chooses to include the management of scrap tire 572  
facilities in the district's initial solid waste management plan 573  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 574

(c) If the solid waste management district is one 575  
resulting from proceedings for a change in district composition 576  
under sections 343.012 and 3734.521 of the Revised Code and if 577  
the change involves an existing district that is operating under 578  
either an initial solid waste management plan approved under 579  
section 3734.55 of the Revised Code or an initial or amended 580  
plan approved or prepared and ordered to be implemented under 581  
section 3734.521 of the Revised Code that does not provide for 582  
the management of scrap tires and scrap tire facilities, until 583  
such time as the amended plan of the district resulting from the 584  
change is approved under section 3734.56 of the Revised Code, 585  
"facility" need not include scrap tires unless the solid waste 586  
management policy committee established under division (C) of 587  
section 3734.521 of the Revised Code for the district chooses to 588  
include the management of scrap tires in the district's initial 589  
or amended solid waste management plan prepared under section 590  
3734.521 of the Revised Code in connection with the change 591  
proceedings. 592

(d) If the policy committee chooses to include the 593  
management of scrap tires in an initial plan prepared under 594

sections 3734.54 and 3734.55 of the Revised Code or in an 595  
initial or amended plan prepared under section 3734.521 of the 596  
Revised Code, the board of county commissioners or directors 597  
shall execute all of the duties imposed and may exercise any or 598  
all of the rights granted under this section for the purpose of 599  
managing solid waste facilities that are scrap tire collection, 600  
storage, monocell, monofill, or recovery facilities. 601

(M) As used in this section: 602

(1) "Source separated recyclable materials" means 603  
materials that are separated from other solid wastes at the 604  
location where the materials are generated for the purpose of 605  
recycling the materials at a legitimate recycling facility. 606

(2) "Legitimate recycling facility" has the same meaning 607  
as in rule 3745-27-01 of the Administrative Code. 608

(3) "Internet identifier of record" has the same meaning 609  
as in section 9.312 of the Revised Code. 610

**Sec. 343.011.** (A) The board of county commissioners of a 611  
county or the board of directors of a joint solid waste 612  
management district established under this chapter, upon its own 613  
initiative or at the request of the legislative authority of any 614  
municipal corporation or township located in the district, may 615  
adopt a resolution proposing the formation of a regional solid 616  
waste management authority for the purpose of executing all the 617  
duties and responsibilities imposed on or granted to the board 618  
under this chapter. Upon adoption of such a resolution, the 619  
board shall send a copy of it to the legislative authority of 620  
each municipal corporation and township located in the district 621  
and shall request each legislative authority to vote on the 622  
question of the formation of such a regional authority. 623

The board of county commissioners or board of directors 624  
shall declare the proposal to have been adopted upon determining 625  
that the legislative authorities of a combination of municipal 626  
corporations and townships with a combined population within the 627  
boundaries of the district comprising at least sixty per cent of 628  
the total population of the district have approved the proposal, 629  
provided that that combination shall include the municipal 630  
corporation having the largest population in each county within 631  
the boundaries of the district. Upon the adoption of the 632  
proposal, the board of county commissioners or board of 633  
directors shall enter into an agreement with the legislative 634  
authorities of the municipal corporations and townships in the 635  
district to form a regional solid waste management authority, 636  
which agreement shall include, without limitation, procedures 637  
for the appointment of a board of trustees of the authority to 638  
be comprised of at least the president of the board of county 639  
commissioners of each county in the district or ~~his~~ the 640  
president's designee, the chief executive officer of the 641  
municipal corporation having the largest population within the 642  
boundaries of each county in the district or ~~his~~ the chief 643  
executive officer's designee, a member representing the 644  
townships within each county in the district chosen by a 645  
majority of the boards of township trustees within each county, 646  
the health commissioner of the health district having the 647  
largest territorial jurisdiction within each county in the 648  
district or ~~his~~ the health commissioner's designee, and one 649  
member representing the public to be appointed by the other 650  
members of the board. 651

The agreement forming the regional authority shall be 652  
adopted in the same manner as the initial proposal to form the 653  
regional authority. Not later than thirty days after the 654

adoption of the agreement, the board of trustees appointed under 655  
it shall mail a copy of the agreement to the director of 656  
environmental protection. 657

(B) Following the formation of a regional solid waste 658  
management authority under division (A) of this section, all the 659  
duties and responsibilities imposed on or granted to a board of 660  
county commissioners or a board of directors under this chapter 661  
shall be vested in and exercised by the board of trustees of the 662  
regional authority. Those duties and responsibilities shall 663  
include, without limitation, all of the following: 664

(1) Appointment of employees necessary to manage the 665  
affairs of the district, including, without limitation, an 666  
executive director, and a sanitary engineer or engineers to 667  
execute the responsibilities assigned to the county sanitary 668  
engineer under this chapter; 669

(2) Acquisition, construction, improvement, enlargement, 670  
replacement, maintenance, and operation of solid waste 671  
facilities within the district; 672

(3) Issuance of bonds and bond anticipation notes in 673  
accordance with Chapter 133. of the Revised Code. 674

(C) In addition to the duties and responsibilities 675  
identified in division (B) of this section and division (H) of 676  
section 3734.54 of the Revised Code, the board of trustees of a 677  
regional solid waste management authority may do any of the 678  
following: 679

(1) Adopt bylaws for the regulation of its affairs and the 680  
conduct of its business; 681

(2) Maintain an office within its county or joint solid 682  
waste management district; 683

(3) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code and procure and pay all or any part of the cost of group hospitalization, surgical, major medical, and sickness and accident insurance and group life insurance for its employees;	684 685 686 687 688
(4) Procure insurance against loss to the regional authority by reason of damages to its properties resulting from fire, theft, accident, or other casualties or by reason of its liability for any damages to persons or property occurring in the construction or operation of facilities under its jurisdiction or the conduct of its activities;	689 690 691 692 693 694
(5) Procure a policy or policies insuring members of the board of trustees against liability on account of damages or injury to persons and property resulting from any act or omission of a member in <del>his</del> <u>the member's</u> official capacity as a member of the board or resulting solely out of <del>his</del> membership on the board;	695 696 697 698 699 700
(6) Sue or be sued;	701
(7) Make contracts in the exercise of the rights, powers, and duties conferred upon the regional authority;	702 703
(8) Do all acts necessary or proper to carry out the duties and responsibilities imposed on or granted to the board under this chapter and sections 3734.52 to 3734.575 of the Revised Code.	704 705 706 707
(D) The board of trustees of a regional solid waste management authority in a county solid waste management district may designate the prosecuting attorney of the county to serve as the legal advisor of the authority, and the board of trustees of an authority in a joint district may designate the prosecuting	708 709 710 711 712



attorney of one of the counties forming the district to serve as 713  
the legal advisor of the authority. The designated prosecuting 714  
attorney shall provide such services to the authority as are 715  
required or authorized to be provided to county boards under 716  
Chapter 309. of the Revised Code. The board of trustees may pay 717  
to the county whose prosecuting attorney is serving as the 718  
authority's legal advisor any amount agreed upon by the board of 719  
trustees and the board of county commissioners of that county to 720  
reimburse that county for the cost properly allocable to the 721  
services of its prosecuting attorney as the authority's legal 722  
advisor. When a prosecuting attorney is so serving and the board 723  
considers it to be necessary or appropriate, the board, on its 724  
own initiative, may employ an attorney or other legal counsel to 725  
advise the board regarding a particular matter in place of the 726  
prosecuting attorney. 727

Instead of designating the prosecuting attorney of the 728  
county or of one of the counties forming the district, as 729  
appropriate, to be the legal advisor of the regional authority, 730  
the board of trustees may employ on an annual basis an attorney 731  
or other legal counsel to serve as the authority's legal 732  
advisor. Notwithstanding the employment of an attorney or other 733  
legal counsel on an annual basis as the authority's legal 734  
advisor, the board of trustees may require written opinions or 735  
instructions from the prosecuting attorney of the county or, in 736  
the case of a joint district, any of the counties forming the 737  
district in matters connected with the board's official duties, 738  
and the prosecuting attorney shall provide the written opinion 739  
or instructions as though ~~he~~ the prosecuting attorney had been 740  
designated to serve as the authority's legal advisor under this 741  
division. 742

(E) Within ninety days after October 29, 1993, one member 743

representing industrial, commercial, or institutional generators 744  
of solid wastes within the district and one member representing 745  
the general interests of citizens who shall have no conflict of 746  
interest through affiliation with a waste management company or 747  
with any entity that is a significant generator of solid wastes 748  
shall be added to the board of trustees of a regional authority 749  
formed in a county district. In the case of a regional authority 750  
formed in a joint district, one member shall be added to the 751  
board of trustees from each county that is a member of the joint 752  
district to represent industrial, commercial, or institutional 753  
generators of solid wastes within the county, and one member 754  
shall be added to the board from each such county to represent 755  
the general interests of citizens who shall have no conflict of 756  
interest through affiliation with a waste management company or 757  
with any entity that is a significant generator of solid wastes. 758  
The members representing generators and the general interests of 759  
citizens shall be added to the board of trustees without the 760  
necessity for amending the agreement to form the regional 761  
authority. They shall be appointed in the same manner as the 762  
public member of the board is required to be appointed under 763  
this section and shall serve for terms of the same length as the 764  
other members, as provided in the agreement. 765

(F) As used in this chapter and in division (E) of section 766  
3714.07 of the Revised Code, divisions (D) to (H) of section 767  
3734.57 of the Revised Code, and sections 3734.571, 3734.572, 768  
3734.573, 3734.574, and 3734.575 of the Revised Code, and as 769  
used in Chapter 133. of the Revised Code for the purposes of 770  
this chapter, any reference to a board of county commissioners 771  
of a county or a board of directors of a joint solid waste 772  
management district is deemed to include the board of trustees 773  
of a regional solid waste management authority, and any 774

reference to the county sanitary engineer is deemed to include 775  
any sanitary engineer employed by a regional authority. 776

**Sec. 343.012.** (A) As used in this section: 777

(1) "Change in district composition" and "change" have the 778  
same meaning as in section 3734.521 of the Revised Code. 779

(2) "Deliver" has the same meaning as in division (G) (2) 780  
of section 3734.55 of the Revised Code. 781

(B) The board of county commissioners of a county forming 782  
a joint solid waste management district may initiate proceedings 783  
to withdraw from the district by ~~adopting~~ doing either of the 784  
following: 785

(1) If the board of county commissioners represents a 786  
county that is the locale of solid waste facilities that 787  
collectively paid more than seventy-five per cent of the annual 788  
revenue of the joint solid waste management district in the 789  
immediately preceding calendar year, adopting a resolution 790  
declaring that the county will unilaterally withdraw from the 791  
district; 792

(2) If division (B) (1) does not apply, adopting a 793  
resolution requesting to withdraw. ~~Upon~~ 794

(C) Upon adopting the either type of resolution, the board 795  
shall deliver a copy of it to the board of directors of the 796  
district. Upon receiving the resolution, the board of directors 797  
shall deliver written notice of the proposed withdrawal to the 798  
boards of county commissioners of the other counties forming the 799  
district and to the director of environmental protection. Within 800

(D) Within sixty days after receiving the notice, the 801  
other boards of county commissioners each shall adopt a 802

resolution approving or disapproving the proposed withdrawal and 803  
deliver a copy of the resolution to the board of directors. ~~If-~~ 804

(1) If a board of county commissioners adopts a unilateral 805  
withdrawal resolution under division (B)(1) of this section and 806  
any of the other boards of county commissioners adopts a 807  
resolution of disapproval, the board of directors shall deliver 808  
written notice of the objection to each of the other boards of 809  
county commissioners of the counties that formed the district, 810  
including the board of county commissioners of the county 811  
proposing withdrawal. Not later than thirty days after sending 812  
the notice, the board of directors shall hold a meeting to 813  
discuss the objection. After the meeting, if the county 814  
declaring withdrawal under division (B)(1) of this section still 815  
desires to proceed with the withdrawal, the board of directors 816  
shall approve the withdrawal. Not later than thirty days after 817  
the approval, the board of directors shall deliver written 818  
notice of the approval of the withdrawal to the boards of county 819  
commissioners that formed the joint district and to the board of 820  
county commissioners of the county that is withdrawing, and 821  
shall commence the withdrawal process in accordance with section 822  
3734.521 of the Revised Code to effect the withdrawal. 823

Notwithstanding the adoption of a disapproval resolution 824  
by another board of county commissioners under division (D)(1) 825  
of this section, a withdrawal resolution adopted under division 826  
(B)(1) of this section does not require approval by any of the 827  
other boards of county commissioners of the joint district. 828

(2) If a board of county commissioners requests withdrawal 829  
as described under division (B)(2) of this section and if any of 830  
the other boards of county commissioners adopts a resolution of 831  
disapproval, the board of directors shall declare the proposed 832

withdrawal to be disapproved and shall deliver written notice of 833  
the disapproval to the boards of county commissioners of the 834  
affected counties. ~~If~~ 835

(3) If a board of county commissioners proposes to 836  
withdraw under division (B) (1) or (2) of this section and all of 837  
the other boards of county commissioners adopt a resolution 838  
approving the proposed withdrawal, the board of directors shall 839  
declare the withdrawal to be approved and shall deliver written 840  
notice of the approval to the boards of county commissioners of 841  
the affected counties. ~~The board of directors shall determine~~ 842  
~~whether the withdrawal has been approved or disapproved and~~ 843  
~~deliver the required written notice of the approval or~~ 844  
~~disapproval to the boards of county commissioners of the~~ 845  
~~affected counties within thirty days after receiving the~~ 846  
~~resolutions of approval or disapproval from those boards.~~ 847  
Promptly after the approval of the withdrawal, proceedings shall 848  
be initiated in accordance with ~~division (E) of~~ section 3734.521 849  
of the Revised Code to effect the withdrawal. 850

(E) A withdrawal by resolution under division (B) (2) of 851  
this section becomes final on the first day of January following 852  
the date on which the applicable conditions set forth in 853  
division (G) (1), (2), (3), or (4) of section 3734.521 of the 854  
Revised Code have been met in connection with the change in 855  
district composition that involves the withdrawal. A withdrawal 856  
by resolution under division (B) (1) of this section becomes 857  
final as provided in division (I) of section 3734.521 of the 858  
Revised Code. On and after ~~that first day of January~~either of 859  
those dates, the withdrawing county ceases to be a part of the 860  
joint district, its members on the board of directors shall 861  
cease to be members of the board, and its power to levy a tax 862  
upon taxable property to support the district terminates, except 863

that the county shall continue to levy and collect any taxes 864  
levied for the payment of indebtedness of the district as it was 865  
composed at the time the indebtedness was incurred. Upon the 866  
withdrawal of a county from a joint district, the board of 867  
directors shall ascertain, apportion, and order a division of 868  
the funds on hand, credits, and real and personal property of 869  
the district, either in money or in kind, on any equitable basis 870  
between the district and the withdrawing county consistent with 871  
the agreement to establish and maintain the district entered 872  
into and ratified under division (A) of section 343.01 of the 873  
Revised Code and the prior contributions of the withdrawing 874  
county. 875

(F) If the withdrawal of one or more counties would leave 876  
only one county participating in a joint district, the board of 877  
directors shall ascertain, apportion, and order a final division 878  
of the funds on hand, credits, and real and personal property of 879  
the district. On and after the first day of January on which the 880  
latest withdrawal of a county from the district becomes final, 881  
the district shall be dissolved. When a joint district is 882  
dissolved and any indebtedness remains unpaid, the boards of 883  
county commissioners shall continue to levy and collect taxes 884  
for the payment of the indebtedness in support of the joint 885  
district in the amounts established by the agreement at the time 886  
the indebtedness was incurred. 887

(G) For the ~~purposes~~ purpose of ~~this division~~ divisions (B) 888  
and (C) of this section, "counties forming the joint district" 889  
include only the following: 890

(1) The counties that are named as members of the joint 891  
district in the solid waste management plan or amended plan of 892  
the district approved or ordered to be implemented under section 893

3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 894  
the withdrawal proceeding was initiated and that have not 895  
previously initiated proceedings under division ~~(B)~~ (B) (1) or (2) 896  
of this section to withdraw from the joint district; 897

(2) Any counties named as members of the joint district in 898  
that plan or amended plan that have initiated a withdrawal 899  
proceeding under division ~~(B)~~ (B) (2) of this section that has 900  
been declared to be disapproved under ~~that~~ division (D) of this 901  
section; 902

(3) If joinder proceedings had previously been concluded 903  
under division ~~(D)~~ (I) of this section since that plan or 904  
amended plan was approved or ordered to be implemented, any 905  
county whose joinder to the district was declared to be approved 906  
in those proceedings. 907

~~(C)~~ (H) The board of county commissioners of a county 908  
seeking to establish a new joint district with the board of 909  
county commissioners of one or more other counties may initiate 910  
proceedings to do so by adopting a resolution proposing the 911  
establishment of the joint district. Upon adopting the proposed 912  
establishment resolution, the board shall deliver a copy of it 913  
to the boards of county commissioners of the other counties to 914  
be included in the proposed joint district. If the board 915  
proposing the establishment also has initiated proceedings to 916  
withdraw from an existing joint district under division (B) of 917  
this section, the board shall not adopt ~~a resolution proposing~~ 918  
~~the an establishment~~ resolution until after the proposed 919  
withdrawal has been declared to be approved ~~and, upon under~~ 920  
division (D) of this section. Upon adopting the proposed 921  
establishment resolution, the board shall deliver a copy of the 922  
written notice declaring the withdrawal to be approved under 923

that division, if applicable, to the other boards along with the 924  
copy of the proposed establishment resolution ~~proposing the~~ 925  
~~establishment.~~ 926

Within sixty days after receiving the proposed 927  
establishment resolution and, if applicable, a copy of the 928  
notice of the approval of the withdrawal, each of the other 929  
boards shall adopt a resolution approving or disapproving the 930  
proposed establishment and deliver a copy of it to the board of 931  
county commissioners proposing the establishment. However, if 932  
any of the other boards also has initiated withdrawal 933  
proceedings under division (B) of this section, and if the 934  
withdrawal has been declared to be disapproved or has not yet 935  
been declared to be approved or disapproved under ~~that~~ division 936  
(D) of this section, that board need not adopt a resolution 937  
concerning the proposed establishment, but shall deliver to the 938  
board of county commissioners proposing the establishment a copy 939  
of the written notice of the disapproval or, if the withdrawal 940  
has not yet been declared to be approved or disapproved, written 941  
notice of that fact. If the withdrawal has been declared to be 942  
approved under division ~~(B)~~ (D) of this section, the board shall 943  
deliver a copy of the written notice of the approval with the 944  
copy of its resolution approving or disapproving the proposed 945  
establishment. If any of the other boards adopts a resolution of 946  
disapproval, or if any of the other boards initiated withdrawal 947  
proceedings under division (B) of this section and the 948  
withdrawal either has been declared to be disapproved under ~~that~~ 949  
division (D) of this section or has not yet been declared to be 950  
approved or disapproved under that division when the board of 951  
county commissioners so notified the board of county 952  
commissioners proposing the establishment, the board of county 953  
commissioners proposing the establishment shall declare the 954



proposed establishment to be disapproved and shall deliver 955  
written notice of the disapproval to the other boards. If all of 956  
the other boards adopt a resolution approving the establishment, 957  
and, if any of the other boards initiated ~~such~~ withdrawal 958  
proceedings under division (B) of this section, the withdrawal 959  
already has been declared to be approved under ~~that~~ division (D) 960  
of this section when the board of county commissioners delivered 961  
the resolution approving the establishment to the board of 962  
county commissioners proposing the establishment, the board that 963  
initiated the proceedings shall declare the establishment to be 964  
approved and shall deliver written notice of the approval to the 965  
other boards. The board of county commissioners that initiated 966  
the proceedings shall determine whether the establishment has 967  
been approved or disapproved and deliver the required written 968  
notice of the approval or disapproval to the other boards within 969  
thirty days after receiving the resolutions of approval or 970  
disapproval from the other boards or being otherwise notified by 971  
them in accordance with this division. 972

Promptly after the approval of the establishment, the 973  
boards shall enter into and ratify an agreement to form the 974  
joint district under division (A) of section 343.01 of the 975  
Revised Code, and proceedings shall be initiated under section 976  
3734.521 of the Revised Code to effect the establishment of the 977  
joint district. The establishment of the joint district becomes 978  
final when the applicable conditions set forth in division (G) 979  
(1), (2), (3), or (4) and, if appropriate, division (H) of 980  
section 3734.521 of the Revised Code have been met in connection 981  
with the change in district composition that involves the 982  
establishment. On the date that the establishment becomes final, 983  
the boards of county commissioners of the counties establishing 984  
the joint district collectively constitute the board of 985

directors of the joint district, except that if a county with a 986  
legislative authority other than a board of county commissioners 987  
participates in the joint district, it shall be represented on 988  
the board of directors by three persons appointed by the 989  
legislative authority of the county. 990

~~(D)~~ (I) The board of county commissioners of a county may 991  
initiate proceedings to join an existing joint district by 992  
adopting a resolution requesting membership in the joint 993  
district. Upon adoption of the joinder resolution, the board 994  
shall deliver a copy of it to the board of directors of the 995  
joint district. If the board of county commissioners proposing 996  
the joinder also has initiated proceedings to withdraw from an 997  
existing joint district under division (B) of this section, the 998  
board shall not adopt a resolution proposing the joinder until 999  
after the withdrawal has been declared to be approved under ~~that~~ 1000  
division ~~and, upon~~ (D) of this section. Upon adopting the 1001  
resolution, the board shall deliver a copy of the written notice 1002  
declaring the withdrawal to be approved under that division, if 1003  
applicable, to the board of directors of the joint district 1004  
along with the resolution proposing the joinder. Upon receiving 1005  
the joinder resolution and, if applicable, a copy of the notice 1006  
of the approval of the withdrawal, the board of directors shall 1007  
deliver notice of the proposed joinder to the boards of county 1008  
commissioners of the counties forming the existing joint 1009  
district. ~~Within~~ 1010

Within sixty days after receiving the notice of the 1011  
proposed joinder, each such board shall adopt a resolution 1012  
approving or disapproving the joinder and shall deliver a copy 1013  
of the resolution to the board of directors. If the board of 1014  
county commissioners of any of the counties forming the existing 1015  
joint district adopts a resolution of disapproval or if any of 1016

the counties that are members of the existing joint district had 1017  
initiated a withdrawal from it under division (B) of this 1018  
section that had not yet been declared to be approved or 1019  
disapproved under ~~that~~ division (D) of this section when the 1020  
board of county commissioners delivered their resolutions 1021  
approving or disapproving the joinder to the board of directors, 1022  
the board of directors shall declare the proposed joinder to be 1023  
disapproved and shall deliver written notice of the disapproval 1024  
to the affected boards of county commissioners. If the board of 1025  
county commissioners of each county forming the existing joint 1026  
district adopts a resolution approving the proposed joinder and, 1027  
if any of the counties that are members of the existing joint 1028  
district has initiated a withdrawal from it under division (B) 1029  
of this section, and the withdrawal has been declared to be 1030  
approved or disapproved under ~~that~~ division (D) of this section, 1031  
the board of directors shall declare the joinder to be approved 1032  
and shall deliver written notice of the approval to the affected 1033  
boards of county commissioners. The board of directors shall 1034  
determine whether the joinder has been approved or disapproved 1035  
and deliver the required written notice of the approval or 1036  
disapproval to the boards of county commissioners of the 1037  
affected counties within thirty days after receiving the 1038  
resolutions of approval or disapproval from the boards of county 1039  
commissioners of the counties forming the existing joint 1040  
district. 1041

Promptly after the approval of the joinder, the affected 1042  
boards shall enter into and ratify an agreement under division 1043  
(A) of section 343.01 of the Revised Code to join the county to 1044  
the joint district, and proceedings shall be initiated in 1045  
accordance with section 3734.521 of the Revised Code to effect 1046  
the joinder. The joinder becomes final when the applicable 1047

conditions set forth in division (G) (1), (2), (3), or (4) and, 1048  
if appropriate, division (H) of section 3734.521 of the Revised 1049  
Code have been met in connection with the change in district 1050  
composition that involves the joinder. When the joinder becomes 1051  
final, the board of county commissioners of the joining county 1052  
or three members appointed by its legislative authority, if 1053  
other than a board of county commissioners, shall be added to 1054  
the board of directors of the joint district. If one or more 1055  
counties withdrew from the existing joint district in connection 1056  
with the change that involved the joinder, the members of the 1057  
board of directors of the existing joint district from the 1058  
counties that withdrew shall cease to serve as members of the 1059  
board of directors on the date that the change becomes final. 1060

For the purposes of this division, "counties forming the 1061  
existing joint district" include only the following: 1062

(1) The counties that are named as members of the joint 1063  
district in the solid waste management plan or amended plan of 1064  
the district approved or ordered to be implemented under section 1065  
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 1066  
the joinder proceeding was initiated and that have not initiated 1067  
proceedings to withdraw from the joint district under division 1068  
(B) of this section; 1069

(2) Any counties named as members of the joint district in 1070  
that plan or amended plan that have initiated a withdrawal under 1071  
division ~~(B)~~ (B) (2) of this section that has been declared to be 1072  
disapproved under ~~that~~ division (D) of this section; 1073

(3) If joinder proceedings had previously been concluded 1074  
under this division since that plan or amended plan was approved 1075  
or ordered to be implemented, any county whose joinder to the 1076  
district was declared to be approved in those proceedings. 1077

~~(E)~~ (J) The board of directors of a joint district may 1078  
initiate proceedings for the union of the district with another 1079  
joint district by adopting a resolution requesting the union. If 1080  
the joint district whose board of directors is requesting the 1081  
union is affected by a withdrawal proceeding initiated under 1082  
division (B) of this section, the board of directors shall not 1083  
adopt a resolution requesting the union until after it has 1084  
declared the proposed withdrawal to be approved or disapproved 1085  
under division ~~(B)~~ (D) of this section. Upon adoption of the 1086  
union resolution, the board shall deliver a copy of it to the 1087  
board of directors of the joint district with which the union is 1088  
proposed. Within thirty days after receiving the union 1089  
resolution, the board of directors of the other joint district 1090  
shall deliver written notice to the board of directors 1091  
requesting the union as to whether the other joint district is 1092  
affected by a withdrawal proceeding initiated under division (B) 1093  
of this section. If the other district is so affected, its board 1094  
of directors shall deliver with the notice a copy of the 1095  
resolution proposing the withdrawal and a copy of the written 1096  
notice declaring the withdrawal to be approved or disapproved 1097  
under division ~~(B)~~ (D) of this section or, if the withdrawal has 1098  
not yet been declared to be approved or disapproved, written 1099  
notice of that fact. If the board of directors of the other 1100  
district declares such a withdrawal to be approved or 1101  
disapproved within sixty days after the board of directors that 1102  
requested the union delivered copies of the resolution 1103  
requesting the union to the boards of county commissioners of 1104  
the counties forming the existing joint districts, the board of 1105  
directors of the other district shall deliver written notice of 1106  
the approval or disapproval of the withdrawal to the board of 1107  
directors that requested the union. 1108

Within thirty days after receiving from the board of 1109  
directors of the other joint district the written notice as to 1110  
whether that district is affected by a withdrawal proceeding, 1111  
the board of directors requesting the union shall deliver a copy 1112  
of the resolution requesting the union to the boards of county 1113  
commissioners of the counties forming the existing joint 1114  
districts. Within sixty days after receiving the resolution, 1115  
each such board of county commissioners shall adopt a resolution 1116  
approving or disapproving the union and deliver a copy of it to 1117  
the board of directors that requested the union. If the board of 1118  
county commissioners of any of the counties forming the existing 1119  
joint districts adopts a resolution of disapproval or if any of 1120  
the joint districts is affected by a withdrawal from it 1121  
initiated under division (B) of this section that had not yet 1122  
been declared to be approved or disapproved under ~~that~~ division 1123  
(D) of this section when the board of county commissioners 1124  
proposing the withdrawal delivered its resolution approving or 1125  
disapproving the proposed union to the board of directors, the 1126  
board of directors shall declare the union to be disapproved and 1127  
shall deliver written notice of the disapproval to the board of 1128  
county commissioners of each of the affected counties. If the 1129  
boards of county commissioners of all of the counties forming 1130  
the existing joint districts adopt resolutions approving the 1131  
proposed union and, if any of the joint districts is affected by 1132  
a withdrawal proceeding initiated under division (B) of this 1133  
section, the withdrawal had already been declared to be approved 1134  
or disapproved under ~~that~~ division (D) of this section when the 1135  
board of county commissioners of the counties forming the 1136  
existing joint districts delivered their resolutions approving 1137  
the proposed union to the board of directors, the board of 1138  
directors shall declare the union to be approved and shall 1139  
deliver written notice of that fact to the affected boards of 1140

county commissioners. The board of directors shall determine 1141  
whether the union has been approved or disapproved and deliver 1142  
the required written notices of the approval or disapproval to 1143  
the boards of county commissioners of the counties forming the 1144  
existing joint districts within thirty days after receiving the 1145  
resolutions of approval or disapproval from those boards of 1146  
county commissioners. 1147

Promptly after the approval of the union, the boards of 1148  
county commissioners of the affected counties shall enter into 1149  
and ratify an agreement under division (A) of section 343.01 of 1150  
the Revised Code to unite the districts, and proceedings shall 1151  
be initiated in accordance with section 3734.521 of the Revised 1152  
Code to effect the union. The union becomes final when the 1153  
applicable conditions set forth in division (G) (1), (2), (3), or 1154  
(4) and, if appropriate, division (H) of section 3734.521 of the 1155  
Revised Code have been met in connection with the change in 1156  
district composition that involves the union. On the date that 1157  
the union becomes final, the boards of directors of the former 1158  
joint districts collectively constitute the board of directors 1159  
of the united district, except that if one or more counties were 1160  
joined to any of the existing joint districts in connection with 1161  
the change in district composition that involved the union, the 1162  
board of county commissioners or three members appointed by its 1163  
legislative authority, if other than a board of county 1164  
commissioners, shall be added to the board of directors of the 1165  
united district, and except that if one or more counties 1166  
withdrew from any of the existing joint districts in connection 1167  
with the change in district composition that involved the union, 1168  
the board of directors shall not include members from the 1169  
counties that withdrew from the former joint districts. 1170

For the purposes of this division, "counties forming the 1171

existing joint districts" includes only the following: 1172

(1) The counties that are named as members of one of the 1173  
joint districts affected by the proposed union in the solid 1174  
waste management plan or amended plan of the appropriate 1175  
district approved or ordered to be implemented under section 1176  
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 1177  
the union proceeding was initiated and that have not initiated 1178  
proceedings under division (B) of this section to withdraw from 1179  
the joint districts of which they were members on that date; 1180

(2) Any county named as a member of a joint district 1181  
affected by the proposed union in any such plan or amended plan 1182  
that has initiated a withdrawal under division ~~(B)~~ (2) of this 1183  
section that has been declared to be disapproved under that 1184  
division; 1185

(3) If joinder proceedings previously had been concluded 1186  
under division ~~(D)~~ (I) of this section to join a county to an 1187  
existing joint district affected by the proposed union, any 1188  
county whose joinder to the existing joint district was declared 1189  
to be approved in that proceeding. 1190

**Sec. 343.022.** (A) The board of county commissioners of a 1191  
county solid waste management district or the board of directors 1192  
of a joint solid waste management district may enter into a 1193  
contract or agreement with the owner or operator of a solid 1194  
waste facility, or with persons collecting or transporting solid 1195  
wastes, to establish and collect on behalf of the district 1196  
generation or disposal fees to be used by the district for the 1197  
purposes set forth in ~~divisions (G) (1) to (10)~~ division (G) of 1198  
section 3734.57 of the Revised Code or to provide other 1199  
remuneration or services to or on behalf of the district or its 1200  
residents. 1201



(B) The authority provided by division (A) of this section 1202  
is cumulative and concurrent with the authority of the board of 1203  
county commissioners or directors to enter into contracts or 1204  
agreements under other sections of this chapter. The existence 1205  
or exercise of one such authority does not prevent the exercise 1206  
of the other. 1207

(C) The authority provided by division (A) of this section 1208  
pertaining to disposal or generation fees is cumulative and 1209  
concurrent with the authority of the board of county 1210  
commissioners or directors to levy disposal or generation fees 1211  
under section 3734.57, 3734.571, 3734.572, 3734.573, or 3734.574 1212  
of the Revised Code. The exercise of the authority provided in 1213  
any of those sections does not prevent the exercise of the 1214  
authority provided by division (A) of this section, and the 1215  
authority provided by division (A) of this section does not 1216  
prevent the exercise of the authority provided in any of those 1217  
sections. 1218

**Sec. 343.08.** (A) The board of county commissioners of a 1219  
county solid waste management district and the board of 1220  
directors of a joint solid waste management district may fix 1221  
reasonable rates or charges to be paid by every person, 1222  
municipal corporation, township, or other political subdivision 1223  
that owns premises to which solid waste collection, storage, 1224  
transfer, disposal, recycling, processing, or resource recovery 1225  
service is provided by the district and may change the rates or 1226  
charges whenever it considers it advisable. Charges for 1227  
collection, storage, transfer, disposal, recycling, processing, 1228  
or resource recovery service shall be made only against lots or 1229  
parcels that are improved, or in the process of being improved, 1230  
with at least one permanent, portable, or temporary building. 1231  
The rates or charges may be collected by either of the following 1232

means: 1233

(1) Periodic billings made by the district directly or in 1234  
conjunction with billings for public utility rates or charges by 1235  
a county water district established under section 6103.02 of the 1236  
Revised Code, a county sewer district established under section 1237  
6117.02 of the Revised Code, or a municipal corporation or other 1238  
political subdivision authorized by law to provide public 1239  
utility service. When any such charges that are so billed are 1240  
not paid, the board shall certify them to the county auditor of 1241  
the county where the lots or parcels are located, who shall 1242  
place them upon the real property duplicate against the property 1243  
served by the collection, storage, transfer, disposal, 1244  
recycling, processing, or resource recovery service. The charges 1245  
shall be a lien on the property from the date they are placed 1246  
upon the real property duplicate by the auditor and shall be 1247  
collected in the same manner as other taxes. 1248

(2) Certifying the rates or charges to the county auditor 1249  
of the county where the lots or parcels are located, who shall 1250  
place them on the real property duplicate against the lots or 1251  
parcels. The rates or charges are a lien on the property from 1252  
the date they are placed upon the real property duplicate by the 1253  
auditor and shall be collected in the same manner as other 1254  
taxes. 1255

The county or joint district need not fix a rate or charge 1256  
against property if the district does not operate a collection 1257  
system. 1258

Where a county or joint district owns or operates a solid 1259  
waste facility, either without a collection system or in 1260  
conjunction therewith, the board of county commissioners or 1261  
board of directors may fix reasonable rates or charges for the 1262

use of the facility by persons, municipal corporations, 1263  
townships, and other political subdivisions, may contract with 1264  
any public authority or person for the collection of solid 1265  
wastes in any part of any district for collection, storage, 1266  
disposal, transfer, recycling, processing, or resource recovery 1267  
in any solid waste facility, or may lease the facility to any 1268  
public authority or person. The cost of collection, storage, 1269  
transfer, disposal, recycling, processing, or resource recovery 1270  
under such contracts may be paid by rates or charges fixed and 1271  
collected under this section or by rates and charges fixed under 1272  
those contracts and collected by the contractors. 1273

All moneys collected by or on behalf of a county or joint 1274  
district as rates or charges for solid waste collection, 1275  
storage, transfer, disposal, recycling, processing, or resource 1276  
recovery service in any district shall be paid to the county 1277  
treasurer in a county district or to the county treasurer or 1278  
other official designated by the board of directors in a joint 1279  
district and kept in a separate and distinct fund to the credit 1280  
of the district. The fund shall be used for the payment of the 1281  
cost of the management, maintenance, and operation of the solid 1282  
waste collection or other solid waste facilities of the district 1283  
and, if applicable, the payment of the cost of collecting the 1284  
rates or charges of the district pursuant to division (A) (1) or 1285  
(2) of this section. Prior to the approval of the district's 1286  
initial solid waste management plan under section 3734.55 of the 1287  
Revised Code or the issuance of an order under that section 1288  
requiring the district to implement an initial plan prepared by 1289  
the director, as appropriate, the fund also may be used for the 1290  
purposes of division (G) (1) or (3) of section 3734.57 of the 1291  
Revised Code. On and after the approval of the district's 1292  
initial plan under section 3734.521 or 3734.55 of the Revised 1293

Code or the issuance of an order under either of those sections, 1294  
as appropriate, requiring the district to implement an initial 1295  
plan prepared by the director, the fund also may be used for all 1296  
of the purposes of divisions (C) (1) to (10) specified in 1297  
division (G) of section 3734.57 of the Revised Code. Those uses 1298  
may include, in accordance with a cost allocation plan adopted 1299  
under division (B) of this section, the payment of all allowable 1300  
direct and indirect costs of the district, the sanitary engineer 1301  
or sanitary engineering department, or a federal or state grant 1302  
program, incurred for the purposes of this chapter and sections 1303  
3734.52 to 3734.572 of the Revised Code. Any surplus remaining 1304  
after those uses of the fund may be used for the enlargement, 1305  
modification, or replacement of such facilities and for the 1306  
payment of the interest and principal on bonds and bond 1307  
anticipation notes issued pursuant to section 343.07 of the 1308  
Revised Code. In no case shall money so collected be expended 1309  
otherwise than for the use and benefit of the district. 1310

A board of county commissioners or directors, instead of 1311  
operating and maintaining solid waste collection or other solid 1312  
waste facilities of the district with county or joint district 1313  
personnel, may enter into a contract with a municipal 1314  
corporation having territory within the district pursuant to 1315  
which the operation and maintenance of the facilities will be 1316  
performed by the municipal corporation. 1317

The products of any solid waste collection or other solid 1318  
waste facility owned under this chapter shall be sold through 1319  
competitive bidding in accordance with section 307.12 of the 1320  
Revised Code, except when a board of county commissioners or 1321  
directors determines by resolution that it is in the public 1322  
interest to sell those products in a commercially reasonable 1323  
manner without competitive bidding. 1324

(B) A board of county commissioners or directors may adopt 1325  
a cost allocation plan that identifies, accumulates, and 1326  
distributes allowable direct and indirect costs that may be paid 1327  
from the fund of the district created in division (A) of this 1328  
section and prescribes methods for allocating those costs. The 1329  
plan shall authorize payment from the fund for only those costs 1330  
incurred by the district, the sanitary engineer or sanitary 1331  
engineering department, or a federal or state grant program, and 1332  
those costs incurred by the general and other funds of the 1333  
county for a common or joint purpose, that are necessary and 1334  
reasonable for the proper and efficient administration of the 1335  
district under this chapter and sections 3734.52 to 3734.572 of 1336  
the Revised Code. The plan shall not authorize payment from the 1337  
fund of any general government expense required to carry out the 1338  
overall governmental responsibilities of a county. The plan 1339  
shall conform to United States office of management and budget 1340  
Circular A-87 "Cost Principles for State and Local Governments," 1341  
published January 15, 1983. 1342

(C) A board of county commissioners or directors shall fix 1343  
rates or charges, or enter into contracts fixing the rates or 1344  
charges to be collected by the contractor, for solid waste 1345  
collection, storage, transfer, disposal, recycling, processing, 1346  
or resource recovery services at a public meeting held in 1347  
accordance with section 121.22 of the Revised Code. In addition 1348  
to fulfilling the requirements of section 121.22 of the Revised 1349  
Code, the board, before fixing or changing rates or charges for 1350  
solid waste collection, storage, transfer, disposal, recycling, 1351  
processing, or resource recovery services, or before entering 1352  
into a contract that fixes rates or charges to be collected by 1353  
the contractor providing the services, shall hold at least three 1354  
public hearings on the proposed rates, charges, or contract. 1355

Prior to the first public hearing, the board shall publish 1356  
notice of the public hearings as provided in section 7.16 of the 1357  
Revised Code or once a week for three consecutive weeks in a 1358  
newspaper of general circulation in the county or counties that 1359  
would be affected by the proposed rates, charges, or contract. 1360  
The notice shall include a listing of the proposed rates or 1361  
charges to be fixed and collected by the board or fixed pursuant 1362  
to the contract and collected by the contractor, and the dates, 1363  
time, and place of each of the three hearings thereon. The board 1364  
shall hear any person who wishes to testify on the proposed 1365  
rates, charges, or contract. 1366

**Sec. 3714.07.** (A) (1) For the purpose of assisting boards 1367  
of health and the environmental protection agency in 1368  
administering and enforcing this chapter and rules adopted under 1369  
it, there is hereby levied a fee of thirty cents per cubic yard 1370  
or sixty cents per ton, as applicable, on both of the following: 1371

(a) The disposal of construction and demolition debris at 1372  
a construction and demolition debris facility that is licensed 1373  
under this chapter or at a solid waste facility that is licensed 1374  
under Chapter 3734. of the Revised Code; 1375

(b) The disposal of asbestos or asbestos-containing 1376  
materials or products at a construction and demolition debris 1377  
facility that is licensed under this chapter or at a solid waste 1378  
facility that is licensed under Chapter 3734. of the Revised 1379  
Code. 1380

(2) The owner or operator of a construction and demolition 1381  
debris facility or a solid waste facility shall determine if 1382  
cubic yards or tons will be used as the unit of measurement. If 1383  
basing the fee on cubic yards, the owner or operator shall 1384  
utilize either the maximum cubic yard capacity of the container, 1385

or the hauling volume of the vehicle, that transports the 1386  
construction and demolition debris to the facility or the cubic 1387  
yards actually logged for disposal by the owner or operator in 1388  
accordance with rules adopted under section 3714.02 of the 1389  
Revised Code. If basing the fee on tonnage, the owner or 1390  
operator shall use certified scales to determine the tonnage of 1391  
construction and demolition debris that is disposed of. 1392

(3) The owner or operator of a construction and demolition 1393  
debris facility or a solid waste facility shall calculate the 1394  
amount of money generated from the fee levied under division (A) 1395  
(1) of this section and shall hold that amount as a trustee for 1396  
the health district having jurisdiction over the facility, if 1397  
that district is on the approved list under section 3714.09 of 1398  
the Revised Code, or for the state. The owner or operator shall 1399  
prepare and file with the appropriate board of health or the 1400  
director of environmental protection monthly returns indicating 1401  
the total volume or weight, as applicable, of construction and 1402  
demolition debris and asbestos or asbestos-containing materials 1403  
or products disposed of at the facility and the total amount of 1404  
money generated during that month from the fee levied under 1405  
division (A)(1) of this section on the disposal of construction 1406  
and demolition debris and asbestos or asbestos-containing 1407  
materials or products. Not later than thirty days after the last 1408  
day of the month to which the return applies, the owner or 1409  
operator shall mail to the board of health or the director the 1410  
return for that month together with the amount of money 1411  
calculated under division (A)(3) of this section on the disposal 1412  
of construction and demolition debris and asbestos or asbestos- 1413  
containing materials or products during that month or may submit 1414  
the return and money electronically in a manner approved by the 1415  
director. The owner or operator may request, in writing, an 1416

extension of not more than thirty days after the last day of the 1417  
month to which the return applies. A request for extension may 1418  
be denied. If the owner or operator submits the money late, the 1419  
owner or operator shall pay a penalty of ten per cent of the 1420  
amount of the money due for each month that it is late. 1421

(4) Of the money that is submitted by a construction and 1422  
demolition debris facility or a solid waste facility on a per 1423  
cubic yard or per ton basis under this section, a board of 1424  
health shall transmit three cents per cubic yard or six cents 1425  
per ton, as applicable, to the director not later than forty- 1426  
five days after the receipt of the money. The money retained by 1427  
a board of health under this section shall be paid into a 1428  
special fund, which is hereby created in each health district, 1429  
and used solely for the following purposes: 1430

(a) To administer and enforce this chapter and rules 1431  
adopted under it; 1432

(b) To abate abandoned accumulations of construction and 1433  
demolition debris as provided in section 3714.074 of the Revised 1434  
Code; 1435

(c) To mitigate any impacts to public health, safety, and 1436  
welfare of any construction and demolition debris facility and 1437  
solid waste disposal or transfer facility within the health 1438  
district. 1439

The director shall transmit all money received under this 1440  
section to the treasurer of state to be deposited in the state 1441  
treasury to the credit of the waste management fund created in 1442  
section 3734.061 of the Revised Code. 1443

(B) The board of health of a health district or the 1444  
director may enter into an agreement with the owner or operator 1445



of a construction and demolition debris facility or a solid 1446  
waste facility for the quarterly payment of money generated from 1447  
the disposal fee as calculated in division (A) (3) of this 1448  
section. The board of health shall notify the director of any 1449  
such agreement. Not later than forty-five days after receipt of 1450  
the quarterly payment, the board of health shall transmit the 1451  
amount established in division (A) (4) of this section to the 1452  
director. The money retained by the board of health shall be 1453  
deposited in the special fund of the district as required under 1454  
that division. Upon receipt of the money from a board of health, 1455  
the director shall transmit the money to the treasurer of state 1456  
to be credited to the waste management fund. 1457

(C) If a construction and demolition debris facility or a 1458  
solid waste facility is located within the territorial 1459  
boundaries of a municipal corporation or the unincorporated area 1460  
of a township, the municipal corporation or township may 1461  
appropriate up to four cents per cubic yard or up to eight cents 1462  
per ton of the disposal fee required to be paid by the facility 1463  
under division (A) (1) of this section for the same purposes that 1464  
a municipal corporation or township may levy a fee under 1465  
division (C) of section 3734.57 of the Revised Code. 1466

The legislative authority of the municipal corporation or 1467  
township may appropriate the money from the fee by enacting an 1468  
ordinance or adopting a resolution establishing the amount of 1469  
the fee to be appropriated. Upon doing so, the legislative 1470  
authority shall mail a certified copy of the ordinance or 1471  
resolution to the board of health of the health district in 1472  
which the construction and demolition debris facility or the 1473  
solid waste facility is located or, if the facility is located 1474  
in a health district that is not on the approved list under 1475  
section 3714.09 of the Revised Code, to the director. Upon 1476

receipt of the copy of the ordinance or resolution and not later 1477  
than forty-five days after receipt of money generated from the 1478  
fee, the board or the director, as applicable, shall transmit to 1479  
the treasurer or other appropriate officer of the municipal 1480  
corporation or clerk of the township that portion of the money 1481  
generated from the disposal fee by the owner or operator of the 1482  
facility that is required by the ordinance or resolution to be 1483  
paid to that municipal corporation or township. 1484

Money received by the treasurer or other appropriate 1485  
officer of a municipal corporation under this division shall be 1486  
paid into the general fund of the municipal corporation. Money 1487  
received by the clerk of a township under this division shall be 1488  
paid into the general fund of the township. The treasurer or 1489  
other officer of the municipal corporation or the clerk of the 1490  
township, as appropriate, shall maintain separate records of the 1491  
money received under this division. 1492

The legislative authority of a municipal corporation or 1493  
township may cease appropriating money under this division by 1494  
repealing the ordinance or resolution that was enacted or 1495  
adopted under this division. 1496

The director shall adopt rules in accordance with Chapter 1497  
119. of the Revised Code establishing requirements for prorating 1498  
the amount of the fee that may be appropriated under this 1499  
division by a municipal corporation or township in which only a 1500  
portion of a construction and demolition debris facility is 1501  
located within the territorial boundaries of the municipal 1502  
corporation or township. 1503

(D) The board of county commissioners of a county in which 1504  
a construction and demolition debris facility or a solid waste 1505  
facility is located may appropriate up to three cents per cubic 1506

yard or up to six cents per ton of the disposal fee required to 1507  
be paid by the facility under division (A) (1) of this section 1508  
for the same purposes that a solid waste management district may 1509  
levy a fee under division (B) of section 3734.57 of the Revised 1510  
Code. 1511

The board of county commissioners may appropriate the 1512  
money from the fee by adopting a resolution establishing the 1513  
amount of the fee to be appropriated. Upon doing so, the board 1514  
of county commissioners shall mail a certified copy of the 1515  
resolution to the board of health of the health district in 1516  
which the construction and demolition debris facility or the 1517  
solid waste facility is located or, if the facility is located 1518  
in a health district that is not on the approved list under 1519  
section 3714.09 of the Revised Code, to the director. Upon 1520  
receipt of the copy of the resolution and not later than forty- 1521  
five days after receipt of money generated from the fee, the 1522  
board of health or the director, as applicable, shall transmit 1523  
to the treasurer of the county that portion of the money 1524  
generated from the disposal fee by the owner or operator of the 1525  
facility that is required by the resolution to be paid to that 1526  
county. 1527

Money received by a county treasurer under this division 1528  
shall be paid into the general fund of the county. The county 1529  
treasurer shall maintain separate records of the money received 1530  
under this division. 1531

A board of county commissioners may cease appropriating 1532  
money under this division by repealing the resolution that was 1533  
adopted under this division. 1534

~~(E) (1) This section does not apply to the disposal of 1535  
construction and demolition debris at a solid waste facility 1536~~

~~that is licensed under Chapter 3734. of the Revised Code if~~ 1537  
~~there is no construction and demolition debris facility licensed~~ 1538  
~~under this chapter within thirty five miles of the solid waste~~ 1539  
~~facility as determined by a facility's property boundaries.~~ 1540

~~(2) This section does not apply to the disposal of~~ 1541  
~~construction and demolition debris at a solid waste facility~~ 1542  
~~that is licensed under Chapter 3734. of the Revised Code if the~~ 1543  
~~owner or operator of the facility chooses to collect fees on the~~ 1544  
~~disposal of the construction and demolition debris and asbestos~~ 1545  
~~or asbestos-containing materials or products that are identical~~ 1546  
~~to the fees that are collected under Chapters 343. and 3734. of~~ 1547  
~~the Revised Code on the disposal of solid wastes at that~~ 1548  
~~facility.~~ 1549

(3)(E) The solid waste management policy committee of a 1550  
county or joint solid waste management district may levy fees 1551  
upon the following activities: 1552

(1) The disposal of construction and demolition debris and 1553  
asbestos or asbestos-containing materials or products generated 1554  
within the jurisdiction of the district at construction and 1555  
demolition debris facilities and solid waste disposal facilities 1556  
located within the district's jurisdiction; 1557

(2) The disposal of construction and demolition debris and 1558  
asbestos or asbestos-containing materials or products generated 1559  
outside of the jurisdiction of the district, but inside this 1560  
state, at construction and demolition debris facilities and 1561  
solid waste disposal facilities located within the district's 1562  
jurisdiction; 1563

(3) The disposal of construction and demolition debris and 1564  
asbestos or asbestos-containing materials or products generated 1565

outside the boundaries of this state at construction and 1566  
demolition debris facilities and solid waste disposal facilities 1567  
located within the jurisdiction of the district. 1568

The fee levied under division (E) (1) of this section shall 1569  
be not less than one dollar per ton nor more than two dollars 1570  
per ton, the fee levied under division (E) (2) of this section 1571  
shall be not less than two dollars per ton nor more than four 1572  
dollars per ton, and the fee levied under division (E) (3) of 1573  
this section shall be not more than the fee levied under 1574  
division (E) (1) of this section. 1575

The district shall establish, amend, or repeal the 1576  
schedule of fees levied pursuant to this division in the same 1577  
manner that applies to fees levied under division (B) of section 1578  
3734.57 of the Revised Code. All procedural requirements 1579  
governing the administration and collection of solid waste fees 1580  
levied under divisions (A) and (B) of that section apply to the 1581  
administration and collection of the construction and demolition 1582  
debris fees levied under this division and collected by an owner 1583  
or operator of a solid waste facility or construction and 1584  
demolition debris facility. Such procedural requirements include 1585  
requirements governing fee collection and accounting, filing of 1586  
returns, extensions on returns, discounts, refunds or credits, 1587  
the conversion rate for fee collection in cubic yards, notices, 1588  
and district composition changes. Any notices required to be 1589  
made pursuant to those procedural requirements to the owner or 1590  
operator of a solid waste facility also shall be provided to the 1591  
owner or operator of a construction and demolition debris 1592  
facility for purposes of this division, when applicable. 1593

The solid waste management district shall forward money 1594  
received from an owner or operator of a facility under this 1595

division to the health district in which the facility is 1596  
located, which shall deposit it into the special fund 1597  
established under division (A) (4) of this section to be used 1598  
solely for the purposes specified in that division. However, a 1599  
solid waste management district shall not levy fees under this 1600  
division with respect to a construction and demolition debris 1601  
facility or solid waste facility that is located in a health 1602  
district that is not on the approved list under section 3714.09 1603  
of the Revised Code. 1604

(F) This section does not apply to the disposal of source 1605  
separated materials that are exclusively composed of reinforced 1606  
or nonreinforced concrete, asphalt, clay tile, building or 1607  
paving brick, or building or paving stone at a construction and 1608  
demolition debris facility that is licensed under this chapter 1609  
when either of the following applies: 1610

~~(a)~~ (1) The materials are placed within the limits of 1611  
construction and demolition debris placement at the facility as 1612  
specified in the license issued to the facility under section 1613  
3714.06 of the Revised Code, are not placed within the unloading 1614  
zone of the facility, and are used as a fire prevention measure 1615  
in accordance with rules adopted by the director under section 1616  
3714.02 of the Revised Code. 1617

~~(b)~~ (2) The materials are not placed within the unloading 1618  
zone of the facility or within the limits of construction and 1619  
demolition debris placement at the facility as specified in the 1620  
license issued to the facility under section 3714.06 of the 1621  
Revised Code, but are used as fill material, either alone or in 1622  
conjunction with clean soil, sand, gravel, or other clean 1623  
aggregates, in legitimate fill operations for construction 1624  
purposes at the facility or to bring the facility up to a 1625

consistent grade. 1626

**Sec. 3714.073.** (A) In addition to the fee levied under 1627  
division (A)(1) of section 3714.07 of the Revised Code, 1628  
beginning July 1, 2005, there is hereby levied on the disposal 1629  
of construction and demolition debris at a construction and 1630  
demolition debris facility that is licensed under this chapter 1631  
or at a solid waste facility that is licensed under Chapter 1632  
3734. of the Revised Code and on the disposal of asbestos or 1633  
asbestos-containing materials or products at a construction and 1634  
demolition debris facility that is licensed under this chapter 1635  
or at a solid waste facility that is licensed under Chapter 1636  
3734. of the Revised Code the following fees: 1637

(1) A fee of twelve and one-half cents per cubic yard or 1638  
twenty-five cents per ton, as applicable, the proceeds of which 1639  
shall be deposited in the state treasury to the credit of the 1640  
soil and water conservation district assistance fund created in 1641  
section 940.15 of the Revised Code; 1642

(2) A fee of thirty-seven and one-half cents per cubic 1643  
yard or seventy-five cents per ton, as applicable, the proceeds 1644  
of which shall be deposited in the state treasury to the credit 1645  
of the recycling and litter prevention fund created in section 1646  
3736.03 of the Revised Code. 1647

(B) The owner or operator of a construction and demolition 1648  
debris facility or a solid waste facility, as a trustee of the 1649  
state, shall calculate the amount of money generated from the 1650  
fees levied under this section and remit the money from the fees 1651  
in the manner that is established in divisions (A)(2) and (3) of 1652  
section 3714.07 of the Revised Code for the fee that is levied 1653  
under division (A)(1) of that section and may enter into an 1654  
agreement for the quarterly payment of money generated from the 1655

fees in the manner established in division (B) of that section 1656  
for the quarterly payment of money generated from the fee that 1657  
is levied under division (A) (1) of that section. 1658

(C) The amount of money that is calculated by the owner or 1659  
operator of a construction and demolition debris facility or a 1660  
solid waste facility and remitted to a board of health or the 1661  
director of environmental protection, as applicable, pursuant to 1662  
this section shall be transmitted by the board or director to 1663  
the treasurer of state not later than forty-five days after the 1664  
receipt of the money to be credited to the soil and water 1665  
conservation district assistance fund or the recycling and 1666  
litter prevention fund, as applicable. 1667

~~(D) This section does not apply to the disposal of 1668  
construction and demolition debris at a solid waste facility 1669  
that is licensed under Chapter 3734. of the Revised Code if the 1670  
owner or operator of the facility chooses to collect fees on the 1671  
disposal of the construction and demolition debris and asbestos 1672  
or asbestos-containing materials or products that are identical 1673  
to the fees that are collected under Chapters 343. and 3734. of 1674  
the Revised Code on the disposal of solid wastes at that 1675  
facility. 1676~~

~~(E) This section does not apply to the disposal of source 1677  
separated materials that are exclusively composed of reinforced 1678  
or nonreinforced concrete, asphalt, clay tile, building or 1679  
paving brick, or building or paving stone at a construction and 1680  
demolition debris facility that is licensed under this chapter 1681  
when either of the following applies: 1682~~

~~(1) The materials are placed within the limits of 1683  
construction and demolition debris placement at the facility as 1684  
specified in the license issued to the facility under section 1685~~



3714.06 of the Revised Code, are not placed within the unloading 1686  
zone of the facility, and are used as a fire prevention measure 1687  
in accordance with rules adopted by the director under section 1688  
3714.02 of the Revised Code. 1689

(2) The materials are not placed within the unloading zone 1690  
of the facility or within the limits of construction and 1691  
demolition debris placement at the facility as specified in the 1692  
license issued to the facility under section 3714.06 of the 1693  
Revised Code, but are used as fill material, either alone or in 1694  
conjunction with clean soil, sand, gravel, or other clean 1695  
aggregates, in legitimate fill operations for construction 1696  
purposes at the facility or to bring the facility up to a 1697  
consistent grade. 1698

**Sec. 3734.521.** (A) As used in this section and sections 1699  
3734.531 and 3734.57 of the Revised Code, "change in district 1700  
composition" or "change" includes the withdrawal of a county 1701  
from a joint solid waste management district, the establishment 1702  
of a new county or joint district, the joinder of a county to an 1703  
existing joint district, the union of two or more joint 1704  
districts, or any combination thereof. 1705

(B) In addition to the requirements under Chapter 343. of 1706  
the Revised Code, the requirements of this section govern a 1707  
change in district composition when any of the districts 1708  
involved are operating under a solid waste management plan or 1709  
amended plan approved or ordered to be implemented under this 1710  
section or section 3734.55 or 3734.56 of the Revised Code. 1711

(C) For purposes of preparing the initial and amended 1712  
solid waste management plans for the county and joint districts 1713  
resulting from any proposed change in district composition, the 1714  
solid waste management policy committee for the proposed 1715

resulting districts shall consist of the members prescribed in 1716  
division (B) of section 3734.54 of the Revised Code from each 1717  
county within the proposed district and shall include an 1718  
additional public member only when one is required to be 1719  
appointed under division (C) of section 3734.54 of the Revised 1720  
Code. 1721

(D) In the case of a proposed establishment of a new joint 1722  
district, joinder of a county to an existing joint district, or 1723  
union of existing joint districts that only involves existing 1724  
county or joint districts that are operating under solid waste 1725  
management plans or amended plans approved under this section or 1726  
section 3734.55 or 3734.56 of the Revised Code and that does not 1727  
involve the withdrawal of a county from an existing joint 1728  
district, the solid waste management policy committee of the 1729  
proposed joint district resulting from the change shall do all 1730  
of the following: 1731

(1) Prepare a draft initial or amended solid waste 1732  
management plan for the proposed joint district that complies 1733  
with divisions (A), (B), (D), and (E)(1) of section 3734.53 of 1734  
the Revised Code; 1735

(2) Upon completion of the draft initial or amended plan 1736  
for the proposed joint district, proceed to adopt and obtain 1737  
approval of it in accordance with divisions (A), (B), and (C)(1) 1738  
to (3) of section 3734.55 of the Revised Code; 1739

(3) Submit the initial or amended plan for the proposed 1740  
joint district to the director of environmental protection for 1741  
approval not earlier than one hundred eighty days and not later 1742  
than ninety days before the date that one of the existing 1743  
districts involved in the proposed change is required to submit 1744  
an amended plan under section 3734.56 of the Revised Code. 1745

If any such proposed joint district fails to submit its 1746  
plan or amended plan, as appropriate, to the director on or 1747  
before the date required under division (D) (3) of this section, 1748  
the proposed change shall not occur, and the director shall 1749  
proceed in accordance with division (D) of section 3734.55 of 1750  
the Revised Code to prepare an amended plan for each of the 1751  
existing districts and order the implementation of the amended 1752  
plans. If the proposed joint district fails to obtain approval 1753  
of its initial or amended plan, as appropriate, within eighteen 1754  
months after the date for submission of its initial or amended 1755  
plan required under division (D) (3) of this section, the 1756  
director shall proceed in accordance with division (D) of 1757  
section 3734.55 of the Revised Code to prepare a plan or amended 1758  
plan, as appropriate, for the proposed joint district and to 1759  
order the implementation of the plan or amended plan. 1760

(E) In the case of a proposed change in district 1761  
composition that involves an existing district that is operating 1762  
under a solid waste management plan or amended plan prepared and 1763  
ordered to be implemented by the director under this section or 1764  
section 3734.55 or 3734.56 of the Revised Code or that involves 1765  
the withdrawal of a county from an existing joint district, the 1766  
solid waste management policy committee of each of the districts 1767  
resulting from the proposed change, not later than twenty months 1768  
before one of the existing districts is required to submit an 1769  
amended solid waste management plan under section 3734.56 of the 1770  
Revised Code or twenty months before the triennial anniversary 1771  
of the issuance of the order under division (D) or (F) (1) or (2) 1772  
of this section or division (D) of section 3734.55 of the 1773  
Revised Code requiring one of the districts involved to 1774  
implement a plan prepared and ordered to be implemented under 1775  
any of those divisions, shall submit to the director a 1776

preliminary demonstration of the availability of or access to 1777  
solid waste management facility capacity under division (E) (1) 1778  
or (2) of this section, as appropriate. The preliminary 1779  
demonstrations of each of the proposed districts shall be 1780  
submitted to the director at the same time. 1781

As used in divisions (E) and (F) of this section, 1782  
"preliminary demonstration of capacity" means the certification 1783  
and demonstration required to be submitted under division (E) (1) 1784  
of this section or the statement and financial feasibility study 1785  
required to be submitted under division (E) (2) of this section, 1786  
as appropriate. 1787

(1) If a proposed district has located within its 1788  
boundaries one or more solid waste facilities that have 1789  
sufficient remaining capacity to dispose of all the solid waste 1790  
generated within its boundaries during the subsequent ten-year 1791  
period, or if the county or counties proposing to form the 1792  
district have entered into one or more firm contracts or 1793  
agreements that in the aggregate provide for the disposal of all 1794  
the solid wastes generated within the proposed district during 1795  
the subsequent ten-year period at facilities located outside the 1796  
district or this state, the solid waste management policy 1797  
committee of the proposed district shall submit to the director 1798  
a certification and demonstration by the committee of the 1799  
availability of or access to sufficient solid waste management 1800  
facility capacity to provide for the disposal of all the solid 1801  
wastes generated within the proposed district during that ten- 1802  
year period. 1803

The director shall approve or disapprove a preliminary 1804  
demonstration of capacity within sixty days after receiving it. 1805  
If the director finds that the policy committee has made the 1806

demonstration required by division (E) (1) of this section, ~~he~~ 1807  
the director shall approve the preliminary demonstration. 1808  
Otherwise, the director shall disapprove the preliminary 1809  
demonstration. 1810

(2) If a proposed district does not have sufficient solid 1811  
waste management facility capacity within its boundaries or 1812  
access to sufficient capacity by contract or agreement to make 1813  
the demonstration required by division (E) (1) of this section, 1814  
the solid waste management policy committee of the proposed 1815  
district shall submit to the director a statement as to how the 1816  
proposed district will provide for sufficient solid waste 1817  
management facility capacity to dispose of all solid wastes 1818  
generated within its boundaries during the subsequent ten-year 1819  
period. The statement shall be accompanied by a study of the 1820  
financial feasibility of the measures proposed in the statement. 1821  
The statement and financial feasibility study shall contain an 1822  
inventory of all existing solid waste disposal, transfer, and 1823  
resource recovery facilities and recycling activities within the 1824  
proposed district and estimates of the remaining capacity 1825  
available at each such facility; estimates of the amounts of 1826  
solid wastes that will be generated within the proposed district 1827  
during each year of the subsequent ten-year period; an 1828  
identification of the additional solid waste management 1829  
facilities and capacity that the proposed district intends to 1830  
provide to dispose of the estimated amounts of solid wastes; a 1831  
schedule for implementation of the measures proposed in the 1832  
statement; if appropriate, estimates of the capital and 1833  
operating costs of the additional facilities that the district 1834  
intends to provide and of the rates to be charged to meet those 1835  
costs; and, if appropriate, rates to be charged to meet the 1836  
costs of capacity that the district intends to provide by 1837

contract or agreement. 1838

The director shall approve or disapprove a statement and 1839  
financial feasibility study within sixty days after receiving 1840  
them. The director shall approve a statement and financial 1841  
feasibility study only if they demonstrate a technically 1842  
feasible and economically reasonable means of providing for the 1843  
environmentally sound management of solid wastes generated in 1844  
the district during the subsequent ten-year period. Otherwise, 1845  
the director shall disapprove the statement and financial 1846  
feasibility study. 1847

(3) Upon approving or disapproving a preliminary 1848  
demonstration of capacity under division (E) (1) or (2) of this 1849  
section, the director shall provide written notice of ~~his~~ 1850  
~~decision~~ the director's approval or disapproval to the solid 1851  
waste management policy committee that submitted it. ~~If~~ Except 1852  
as provided in division (I) of this section, if the director 1853  
disapproves the preliminary demonstration of any of the proposed 1854  
districts, the change in district composition shall not occur. 1855  
The solid waste management policy committee of each of the 1856  
existing districts operating under a solid waste management plan 1857  
approved under this section or section 3734.55 of the Revised 1858  
Code or an amended plan approved under this section or section 1859  
3734.56 of the Revised Code then shall proceed to adopt and 1860  
obtain approval of an amended plan in accordance with division 1861  
(A) of section 3734.56 of the Revised Code. If any of the 1862  
existing districts is operating under a plan or an amended plan 1863  
ordered to be implemented under this section or section 3734.55 1864  
or 3734.56 of the Revised Code, the director then shall proceed 1865  
in accordance with division (B) of section 3734.56 of the 1866  
Revised Code to prepare an amended plan for each such district 1867  
and order the implementation of the amended plan. Division (E) 1868

(3) of this section does not preclude an existing district that 1869  
is operating under a plan or amended plan prepared and ordered 1870  
to be implemented by the director from proceeding under division 1871  
(C) of section 3734.56 of the Revised Code to prepare and obtain 1872  
approval of a plan to replace the initial or amended plan 1873  
prepared by the director. 1874

(4) If the director approves the preliminary demonstration 1875  
of each of the proposed districts resulting from the change in 1876  
district composition under division (E) (1) or (2) of this 1877  
section, the solid waste management policy committee of each of 1878  
the proposed districts shall begin preparing a draft initial 1879  
solid waste management plan for the district, and the committee 1880  
of the remaining joint district, if any, shall begin preparing a 1881  
draft amended plan for the joint district. The initial or 1882  
amended plan and certification of capacity shall comply with 1883  
divisions (A), (B), (D), and (E) (1) of section 3734.53 of the 1884  
Revised Code. Upon completion of the draft initial or amended 1885  
plan for the proposed district, the committee shall proceed to 1886  
adopt and obtain approval of it in accordance with divisions 1887  
(A), (B), and (C) (1) to (3) of section 3734.55 of the Revised 1888  
Code. The initial plans of the proposed districts and the 1889  
amended plan of the remaining joint district, if any, shall be 1890  
submitted to the director at the same time and shall be 1891  
submitted not later than twenty months after the proposed 1892  
districts submitted their preliminary demonstrations of capacity 1893  
under division (E) (1) or (2) of this section. ~~If~~ Except as 1894  
provided in division (I) of this section, if any of the proposed 1895  
districts fails to submit its plan or amended plan to the 1896  
director on or before the required date, the proposed change 1897  
shall not occur, and the director then shall proceed in 1898  
accordance with division (D) of section 3734.55 of the Revised 1899

Code to prepare an amended plan for each of the existing 1900  
districts and to order the implementation of the amended plans. 1901

(F) If any of the proposed districts resulting from a 1902  
change in district composition, or the remaining joint district, 1903  
if any, that is required to submit a preliminary demonstration 1904  
of capacity under division (E) (1) or (2) of this section fails 1905  
to obtain approval of its plan or amended plan within thirty- 1906  
eight months after the submission of its preliminary 1907  
demonstration of capacity, the director, subject to division (I) 1908  
of this section, shall determine what actions are necessary to 1909  
ensure that each county involved in the proposed change will be 1910  
included in a district that either will have within its 1911  
boundaries sufficient solid waste management facility capacity 1912  
to provide for the disposal of all of the solid wastes generated 1913  
within its boundaries during the subsequent ten-year period or 1914  
will have access to sufficient capacity at facilities located 1915  
outside the district or this state by contract or agreement to 1916  
dispose of all of the solid wastes generated within the district 1917  
during that ten-year period. Based upon that determination, and 1918  
subject to division (I) of this section, the director shall do 1919  
either of the following, as appropriate: 1920

(1) If the director determines that the solid waste 1921  
management needs of each of the counties involved can be met if 1922  
the proposed change were to occur, he the director shall prepare 1923  
an initial or amended plan that complies with divisions (A) and 1924  
(D) of section 3734.53 of the Revised Code for each of the 1925  
proposed or existing districts that failed to obtain approval of 1926  
its plan or amended plan within thirty-eight months after the 1927  
districts were required to submit their preliminary 1928  
demonstrations of capacity under division (E) (1) or (2) of this 1929  
section. None of the plans or amended plans prepared by the 1930



director shall contain any of the provisions required or 1931  
authorized to be included in plans submitted by districts under 1932  
division (B), (C), or (E) of section 3734.53 of the Revised 1933  
Code. Upon completion of each such plan or amended plan, the 1934  
director shall issue an order in accordance with Chapter 3745. 1935  
of the Revised Code directing the board of county commissioners 1936  
or directors of the district for which the plan or amended plan 1937  
was prepared to implement it in compliance with the 1938  
implementation schedule contained in it. 1939

(2) If the director determines that the solid waste 1940  
management needs of each of the counties involved cannot be met 1941  
if the proposed change in district composition were to occur, 1942  
~~he~~the director shall make a determination as to how county or 1943  
joint districts should be formed from among those counties to 1944  
ensure that each will be included in a district that either will 1945  
have within its boundaries sufficient solid waste management 1946  
facility capacity to provide for the disposal of all the solid 1947  
wastes generated within the district during the subsequent ten- 1948  
year period or will have access to sufficient capacity at 1949  
facilities located outside the district or this state by 1950  
contract or agreement to dispose of all the solid wastes 1951  
generated within the district during that ten-year period. After 1952  
making ~~his~~the determination, the director shall prepare an 1953  
initial or amended solid waste management plan for each of them. 1954  
If the director determines that any existing district involved 1955  
in the proposed change should be retained without a modification 1956  
in its composition, the director shall prepare an amended plan 1957  
for the district. The director shall prepare an initial or 1958  
amended plan for each district whose composition would be 1959  
changed under ~~his~~the determination. Each such plan or amended 1960  
plan shall comply with divisions (A) and (D) of section 3734.53 1961

of the Revised Code. None of the plans or amended plans shall 1962  
contain any of the provisions required or authorized to be 1963  
included in plans under division (B), (C), or (E) of that 1964  
section. 1965

If a plan prepared under this division provides for the 1966  
establishment of a joint district by two or more counties that 1967  
had each previously formed a county district, the director, in 1968  
accordance with Chapter 3745. of the Revised Code, shall issue 1969  
an order to the board of county commissioners of each of the 1970  
counties directing them to enter into an agreement to form a 1971  
joint district under division (A) of section 343.01 of the 1972  
Revised Code within thirty days after the issuance of the order. 1973  
If a plan or amended plan prepared by the director provides for 1974  
the withdrawal of one or more counties from an existing joint 1975  
district, the establishment of a new joint district, the joinder 1976  
of one or more counties to an existing joint district, or the 1977  
union of two or more existing joint districts, the director, in 1978  
accordance with Chapter 3745. of the Revised Code, shall issue 1979  
appropriate orders to the board of county commissioners of each 1980  
county or existing county district and to the board of directors 1981  
of each joint district that will be affected by the plan 1982  
directing the board of county commissioners or directors, within 1983  
thirty days after the issuance of the order, to adopt the 1984  
appropriate resolutions and enter into any necessary agreements 1985  
under division (B) of section 343.01 of the Revised Code to 1986  
effect the changes provided for in the plan. The requirements 1987  
and procedures for approval of the withdrawal from, 1988  
establishment of, joinder to, or union of districts under 1989  
section 343.012 of the Revised Code do not apply to changes 1990  
ordered under division (F) (2) of this section. The other 1991  
provisions of that section do apply to changes ordered under 1992

division (F) (2) of this section.	1993
Any order issued by the director under division (F) (2) of	1994
this section also shall require the district to be formed	1995
pursuant to the order to implement the plan or amended plan	1996
prepared by the director in compliance with the implementation	1997
schedule contained in the plan.	1998
(G) <del>No</del> <u>Subject to division (I) of this section, no</u>	1999
proposed change in district composition shall become final until	2000
one of the following has occurred:	2001
(1) The director has approved the solid waste management	2002
plan of each newly formed district under section 3734.55 of the	2003
Revised Code and the amended plan of the remaining joint	2004
district, if any, under section 3734.56 of the Revised Code;	2005
(2) In the case of a joint district subject to division	2006
(D) of this section that failed to obtain approval of its plan	2007
or amended plan on or before the date required under that	2008
division, the director has prepared a plan or amended plan for	2009
the district and has issued an order to the district directing	2010
it to implement the plan or amended plan prepared by the	2011
director;	2012
(3) If the circumstances described in division (F) (1) of	2013
this section apply, the director has prepared a plan or amended	2014
plan for each of the districts involved that failed to obtain	2015
approval of its plan or amended plan on or before the date	2016
required under that division and has issued an order to each of	2017
them under that division directing the district to implement the	2018
plan prepared by the director, and the director has approved the	2019
plan or amended plan of each of the other proposed districts;	2020
(4) If the circumstances described in division (F) (2) of	2021

this section apply, the director has prepared a plan or amended  
plan for each of the districts set forth in the determination  
made under that division and has issued an order under that  
division directing each of the districts to implement the  
initial or amended plan prepared for it by the director.

(H) In addition to the requirements of division (G) of  
this section, if a change in district composition involves the  
withdrawal of a county from a joint district, it shall not  
become final until the county ceases to be a part of the joint  
district from which it is withdrawing pursuant to division (B)  
of section 343.012 of the Revised Code.

(I) Notwithstanding any provision of law to the contrary,  
if a change in district composition involves the withdrawal of a  
county under division (B) (1) of section 343.012 of the Revised  
Code, the proposed change in district composition shall occur  
and the director shall take all actions necessary under this  
chapter to effectuate the withdrawal so that the withdrawal is  
effective not later than one hundred eighty days after the  
submission of the resolution to withdraw by the board of county  
commissioners of the withdrawing county under that section.  
After the expiration of that time period, the withdrawing county  
is severed from the joint district, becomes a county solid waste  
management district, and shall comply with all necessary  
provisions of Chapter 343. of the Revised Code and this chapter  
that apply to county solid waste management districts.  
Subsequently, the board of county commissioners may form or join  
a joint solid waste management district or a regional solid  
waste management authority as provided in this chapter and  
Chapter 343. of the Revised Code. However, in no circumstance  
shall the director require the withdrawing county to form or  
join a joint district or regional solid waste management

authority or to rejoin the joint district from which the county 2053  
is withdrawing. 2054

**Sec. 3734.53.** (A) The solid waste management plan of any 2055  
county or joint solid waste management district shall be 2056  
prepared in a format prescribed by the director of environmental 2057  
protection and shall provide for compliance with the objectives 2058  
of the state solid waste management plan and rules adopted under 2059  
section 3734.50 of the Revised Code. The plan shall provide for, 2060  
demonstrate, and certify the availability of and access to 2061  
sufficient solid waste management facility capacity to meet the 2062  
solid waste management needs of the district for the ten-year 2063  
period covered by the plan. The solid waste management policy 2064  
committee of a county or joint district created in section 2065  
3734.54 of the Revised Code may prepare and submit a solid waste 2066  
management plan that covers and makes the required demonstration 2067  
for a longer period of time. 2068

The solid waste management plan shall contain all of the 2069  
following: 2070

(1) An inventory of the sources, composition, and 2071  
quantities of solid wastes generated in the district during the 2072  
current year; 2073

(2) An inventory of all existing facilities where solid 2074  
wastes are being disposed of, all resource recovery facilities, 2075  
and all recycling activities within the district. The inventory 2076  
shall identify each such facility or activity and, for each 2077  
disposal facility, shall estimate the remaining disposal 2078  
capacity available at the facility. The inventory shall be 2079  
accompanied by a map that shows the location of each such 2080  
existing facility or activity. 2081

(3) An inventory of existing solid waste collection systems and routes, transportation systems and routes, and transfer facilities within the district. The inventory shall identify the entities engaging in solid waste collection within the district.

(4) An inventory of open dumping sites for solid wastes, including solid wastes consisting of scrap tires, and facilities for the disposal of fly ash and bottom ash, foundry sand, and slag within the district. The inventory shall identify each such site or facility and shall be accompanied by a map that shows the location of each of them.

(5) A projection of population changes within the district during the next ten years;

(6) For each year of the forecast period, projections of the amounts and composition of solid wastes that will be generated within the district, the amounts of solid wastes originating outside the district that will be brought into the district for disposal or resource recovery, the nature of industrial activities within the district, and the effect of newly regulated waste streams, solid waste minimization activities, and solid waste recycling and reuse activities on solid waste generation rates. For each year of the forecast period, projections of waste quantities shall be compiled as an aggregate quantity of wastes.

(7) An identification of the additional solid waste management facilities and the amount of additional capacity needed to dispose of the quantities of wastes projected in division (A) (6) of this section;

(8) A strategy for identification of sites for the

additional solid waste management facilities and capacity	2111
identified under division (A) (7) of this section;	2112
(9) An analysis and comparison of the capital and	2113
operating costs of the solid waste disposal facilities, solid	2114
waste resource recovery facilities, and solid waste recycling	2115
and reuse activities necessary to meet the solid waste	2116
management needs of the district, projected in five- and ten-	2117
year increments;	2118
(10) An analysis of expenses for which the district is	2119
liable under section 3734.35 of the Revised Code;	2120
(11) A projection of solid waste transfer facilities that	2121
will be needed in conjunction with existing solid waste	2122
facilities and those projected under division (A) (7) of this	2123
section;	2124
(12) Such other projections as the district considers	2125
necessary or appropriate to ascertain and meet the solid waste	2126
management needs of the district during the period covered by	2127
the plan;	2128
(13) A schedule for implementation of the plan that, when	2129
applicable, contains all of the following:	2130
(a) An identification of the solid waste disposal,	2131
transfer, and resource recovery facilities and recycling	2132
activities contained in the plan where solid wastes generated	2133
within or transported into the district will be taken for	2134
disposal, transfer, resource recovery, or recycling. An initial	2135
or amended plan prepared and ordered to be implemented by the	2136
director under section 3734.521, 3734.55, or 3734.56 of the	2137
Revised Code may designate solid waste disposal, transfer, or	2138
resource recovery facilities or recycling activities that are	2139

owned by a municipal corporation, county, county or joint solid 2140  
waste management district, township, or township waste disposal 2141  
district created under section 505.28 of the Revised Code for 2142  
which debt issued under Chapter 133., 343., or 6123. of the 2143  
Revised Code is outstanding where solid wastes generated within 2144  
or transported into the district shall be taken for disposal, 2145  
transfer, resource recovery, or recycling. 2146

(b) A schedule for closure of existing solid waste 2147  
facilities, expansion of existing facilities, and establishment 2148  
of new facilities. The schedule for expansion of existing 2149  
facilities or establishment of new facilities shall include, 2150  
without limitation, the approximate dates for filing 2151  
applications for appropriate permits to install or modify those 2152  
facilities under section 3734.05 of the Revised Code. 2153

(c) A schedule for implementation of solid waste 2154  
recycling, reuse, and reduction programs needed to meet the 2155  
waste reduction, recycling, reuse, and minimization objectives 2156  
of the state solid waste management plan and rules adopted by 2157  
the director under section 3734.50 of the Revised Code; 2158

(d) The methods of financing implementation of the plan 2159  
and a demonstration of the availability of financial resources 2160  
for that purpose. 2161

(14) A program for providing informational or technical 2162  
assistance regarding source reduction to solid waste generators, 2163  
or particular categories of solid waste generators, within the 2164  
district. The plan shall set forth the types of assistance to be 2165  
provided by the district and the specific categories of 2166  
generators that are to be served. The district has the sole 2167  
discretion to determine the types of assistance that are to be 2168  
provided under the program and the categories of generators to 2169



be served by it. 2170

(B) In addition to the information, projections, 2171  
demonstrations, and certification required by division (A) of 2172  
this section, a plan shall do all of the following: 2173

(1) Establish the schedule of fees, if any, to be levied 2174  
under divisions (B) (1) to (3) of section 3734.57 of the Revised 2175  
Code; 2176

(2) Establish the fee, if any, to be levied under division 2177  
(A) of section 3734.573 of the Revised Code; 2178

(3) Contain provisions governing the allocation among the 2179  
purposes enumerated in ~~divisions (C) (1) to (10)~~ division (G) of 2180  
section 3734.57 of the Revised Code of the moneys credited to 2181  
the special fund of the district under that ~~division (C) of that~~ 2182  
~~section~~ that are available for expenditure by the district ~~under~~ 2183  
~~that division~~. The plan shall do all of the following: 2184

(a) Ensure that sufficient of the moneys so credited to 2185  
and available from the special fund are available for use by the 2186  
solid waste management policy committee of the district at the 2187  
time the moneys are needed to monitor implementation of the plan 2188  
and conduct its periodic review and amendment as required under 2189  
section 3734.56 of the Revised Code; 2190

(b) Contain provisions governing the allocation and 2191  
distribution of moneys credited to and available from the 2192  
special fund of the district to health districts within the 2193  
county or joint district that have approved programs under 2194  
section 3734.08 of the Revised Code for the purposes of division 2195  
(G) (3) of section 3734.57 of the Revised Code; 2196

(c) Contain provisions governing the allocation and 2197  
distribution of moneys credited to and available from the 2198

special fund of the district to the county in which solid waste 2199  
facilities are or are to be located and operated under the plan 2200  
for the purposes of division (G) (4) of section 3734.57 of the 2201  
Revised Code; 2202

(d) Contain provisions governing the allocation and 2203  
distribution, pursuant to contracts entered into for that 2204  
purpose, of moneys credited to and available from the special 2205  
fund of the district to boards of health within the district in 2206  
which solid waste facilities contained in the district's plan 2207  
are located for the purposes of division (G) (5) of section 2208  
3734.57 of the Revised Code. 2209

(4) Incorporate all solid waste recycling activities that 2210  
were in operation within the district on the effective date of 2211  
the plan. 2212

(C) The solid waste management plan of a county or joint 2213  
district may provide for the adoption of rules under division 2214  
(G) of section 343.01 of the Revised Code after approval of the 2215  
plan under section 3734.521 or 3734.55 of the Revised Code doing 2216  
any or all of the following: 2217

(1) Prohibiting or limiting the receipt at facilities 2218  
located within the solid waste management district of solid 2219  
wastes generated outside the district or outside a prescribed 2220  
service area consistent with the projections under divisions (A) 2221  
(6) and (7) of this section. However, rules adopted by a board 2222  
under division (C) (1) of this section may be adopted and 2223  
enforced with respect to solid waste disposal facilities in the 2224  
solid waste management district that are not owned by a county 2225  
or the solid waste management district only if the board submits 2226  
an application to the director of environmental protection that 2227  
demonstrates that there is insufficient capacity to dispose of 2228

all solid wastes that are generated within the district at the 2229  
solid waste disposal facilities located within the district and 2230  
the director approves the application. The demonstration in the 2231  
application shall be based on projections contained in the plan 2232  
or amended plan of the district. The director shall establish 2233  
the form of the application. The approval or disapproval of such 2234  
an application by the director is an action that is appealable 2235  
under section 3745.04 of the Revised Code. 2236

In addition, the director of environmental protection may 2237  
issue an order modifying a rule authorized to be adopted under 2238  
division (C)(1) of this section to allow the disposal in the 2239  
district of wastes from another county or joint solid waste 2240  
management district if all of the following apply: 2241

(a) The district in which the wastes were generated does 2242  
not have sufficient capacity to dispose of solid wastes 2243  
generated within it for six months following the date of the 2244  
director's order; 2245

(b) No new solid waste facilities will begin operation 2246  
during those six months in the district in which the wastes were 2247  
generated and, despite good faith efforts to do so, it is 2248  
impossible to site new solid waste facilities within the 2249  
district because of its high population density; 2250

(c) The district in which the wastes were generated has 2251  
made good faith efforts to negotiate with other districts to 2252  
incorporate its disposal needs within those districts' solid 2253  
waste management plans, including efforts to develop joint 2254  
facilities authorized under section 343.02 of the Revised Code, 2255  
and the efforts have been unsuccessful; 2256

(d) The district in which the wastes were generated has 2257

located a facility willing to accept the district's solid wastes 2258  
for disposal within the receiving district; 2259

(e) The district in which the wastes were generated has 2260  
demonstrated to the director that the conditions specified in 2261  
divisions (C) (1) (a) to (d) of this section have been met; 2262

(f) The director finds that the issuance of the order will 2263  
be consistent with the state solid waste management plan and 2264  
that receipt of the out-of-district wastes will not limit the 2265  
capacity of the receiving district to dispose of its in-district 2266  
wastes to less than eight years. Any order issued under division 2267  
(C) (1) of this section shall not become final until thirty days 2268  
after it has been served by certified mail upon the county or 2269  
joint solid waste management district that will receive the out- 2270  
of-district wastes. 2271

(2) Governing the maintenance, protection, and use of 2272  
solid waste collection, storage, disposal, transfer, recycling, 2273  
processing, and resource recovery facilities within the district 2274  
and requiring the submission of general plans and specifications 2275  
for the construction, enlargement, or modification of any such 2276  
facility to the board of county commissioners or board of 2277  
directors of the district for review and approval as complying 2278  
with the plan or amended plan of the district; 2279

(3) Governing development and implementation of a program 2280  
for the inspection of solid wastes generated outside the 2281  
boundaries of the state that are being disposed of at solid 2282  
waste facilities included in the district's plan; 2283

(4) Exempting the owner or operator of any existing or 2284  
proposed solid waste facility provided for in the plan from 2285  
compliance with any amendment to a township zoning resolution 2286

adopted under section 519.12 of the Revised Code or to a county 2287  
rural zoning resolution adopted under section 303.12 of the 2288  
Revised Code that rezoned or redistricted the parcel or parcels 2289  
upon which the facility is to be constructed or modified and 2290  
that became effective within two years prior to the filing of an 2291  
application for a permit required under division (A) (2) (a) of 2292  
section 3734.05 of the Revised Code to open a new or modify an 2293  
existing solid waste facility. 2294

(D) Except for the inventories required by divisions (A) 2295  
(1), (2), and (4) of this section and the projections required 2296  
by division (A) (6) of this section, neither this section nor the 2297  
solid waste management plan of a county or joint district 2298  
applies to the construction, operation, use, repair, or 2299  
maintenance of either of the following: 2300

(1) A solid waste facility owned by a generator of solid 2301  
wastes when the solid waste facility exclusively disposes of 2302  
solid wastes generated at one or more premises owned by the 2303  
generator regardless of whether the facility is located on a 2304  
premises where the wastes are generated; 2305

(2) A facility that exclusively disposes of wastes that 2306  
are generated from the combustion of coal, or from the 2307  
combustion of primarily coal in combination with scrap tires, 2308  
that is not combined in any way with garbage at one or more 2309  
premises owned by the generator. 2310

(E) (1) The initial solid waste management plans prepared 2311  
by county or joint districts under section 3734.521 of the 2312  
Revised Code and the amended plans prepared under section 2313  
3734.521 or 3734.56 of the Revised Code shall contain a clear 2314  
statement as to whether the board of county commissioners or 2315  
directors is authorized to or precluded from establishing 2316

facility designations under section 343.014 of the Revised Code.	2317
(2) A policy committee that is preparing a draft or	2318
revised draft plan under section 3734.55 of the Revised Code on	2319
October 29, 1993, may include in the draft or revised draft plan	2320
only one of the following pertaining to the solid waste	2321
facilities or recycling activities where solid wastes generated	2322
within or transported into the district are to be taken for	2323
disposal, transfer, resource recovery, or recycling:	2324
(a) The designations required under former division (A)	2325
(12) (a) of this section as it existed prior to October 29, 1993;	2326
(b) The identifications required in division (A) (12) (a) of	2327
this section and the statement required under division (E) (1) of	2328
this section;	2329
(c) Both of the following:	2330
(i) The designations required under former division (A)	2331
(12) (a) of this section as it existed prior to October 29, 1993,	2332
except that those designations only shall pertain to solid waste	2333
disposal, transfer, or resource recovery facilities or recycling	2334
activities that are owned by a municipal corporation, county,	2335
county or joint solid waste management district, township, or	2336
township waste disposal district created under section 505.28 of	2337
the Revised Code for which debt issued under Chapter 133., 343.,	2338
or 6123. of the Revised Code is outstanding;	2339
(ii) The identifications required under division (A) (12)	2340
(a) of this section, and the statement required under division	2341
(E) (1) of this section, pertaining to the solid waste facilities	2342
and recycling activities described in division (A) of section	2343
343.014 of the Revised Code.	2344
(F) Notwithstanding section 3734.01 of the Revised Code,	2345

"solid wastes" does not include scrap tires and "facility" does 2346  
not include any scrap tire collection, storage, monocell, 2347  
monofill, or recovery facility in either of the following 2348  
circumstances: 2349

(1) For the purposes of an initial plan prepared and 2350  
ordered to be implemented by the director under section 3734.55 2351  
of the Revised Code; 2352

(2) For the purposes of an initial or amended plan 2353  
prepared and ordered to be implemented by the director under 2354  
division (D) or (F) (1) or (2) of section 3734.521 of the Revised 2355  
Code in connection with a change in district composition as 2356  
defined in that section that involves an existing district that 2357  
is operating under either an initial plan approved or prepared 2358  
and ordered to be implemented under section 3734.55 of the 2359  
Revised Code or an initial or amended plan approved or prepared 2360  
and ordered to be implemented under section 3734.521 of the 2361  
Revised Code that does not provide for the management of scrap 2362  
tires and scrap tire facilities. 2363

(G) Notwithstanding section 3734.01 of the Revised Code, 2364  
and except as provided in division (A) (4) of this section, 2365  
"solid wastes" need not include scrap tires and "facility" need 2366  
not include any scrap tire collection, storage, monocell, 2367  
monofill, or recovery facility in either of the following 2368  
circumstances: 2369

(1) For the purposes of an initial plan prepared under 2370  
sections 3734.54 and 3734.55 of the Revised Code unless the 2371  
solid waste management policy committee preparing the initial 2372  
plan chooses to include the management of scrap tires and scrap 2373  
tire facilities in the plan; 2374

(2) For the purposes of a preliminary demonstration of capacity as defined in section 3734.521 of the Revised Code, if any, and an initial or amended plan prepared under that section by the solid waste management policy committee of a solid waste management district resulting from proceedings for a change in district composition under sections 343.012 and 3734.521 of the Revised Code that involves an existing district that is operating either under an initial plan approved or prepared and ordered to be implemented under section 3734.55 of the Revised Code or under an initial or amended plan approved or prepared and ordered to be implemented under section 3734.521 of the Revised Code that does not provide for the management of scrap tires and scrap tire facilities unless the solid waste management policy committee of the district resulting from the change chooses to include the management of scrap tires and scrap tire facilities in the preliminary demonstration of capacity, if any, and the initial or amended plan prepared under section 3734.521 of the Revised Code in connection with the change proceedings.

If a policy committee chooses to include the management of scrap tires and scrap tire facilities in an initial plan pursuant to division (G)(1) of this section, the initial plan shall incorporate all of the elements required under this section, and may incorporate any of the elements authorized under this section, for the purpose of managing solid wastes that consist of scrap tires and solid waste facilities that are scrap tire collection, storage, monocell, monofill, or recovery facilities. If a policy committee chooses to provide for the management of scrap tires and scrap tire facilities pursuant to division (G)(2) of this section, the preliminary demonstration of capacity, if one is required, shall incorporate all of the



elements required under division (E) (1) or (2) of section 2406  
3734.521 of the Revised Code, as appropriate, for the purpose of 2407  
managing solid wastes that consist of scrap tires and solid 2408  
waste facilities that are scrap tire collection, storage, 2409  
monocell, monofill, or recovery facilities. The initial or 2410  
amended plan also shall incorporate all of the elements required 2411  
under this section, and may incorporate any of the elements 2412  
authorized under this section, for the purpose of managing solid 2413  
wastes that consist of scrap tires and solid waste facilities 2414  
that are scrap tire collection, storage, monocell, monofill, or 2415  
recovery facilities. 2416

(H) Neither this section nor the solid waste management 2417  
plan of a county or joint district applies to the construction, 2418  
operation, use, repair, or maintenance of any compost facility 2419  
that exclusively composts raw rendering material. 2420

**Sec. 3734.57.** (A) The following fees are hereby levied on 2421  
the transfer or disposal of solid wastes in this state: 2422

(1) ~~Ninety-Seveny-one~~ cents per ton through June 30, 2423  
~~20242026~~, ~~twenty-eleven~~ cents of the proceeds of which shall be 2424  
deposited in the state treasury to the credit of the hazardous 2425  
waste facility management fund created in section 3734.18 of the 2426  
Revised Code and ~~seventy-sixty~~ cents of the proceeds of which 2427  
shall be deposited in the state treasury to the credit of the 2428  
hazardous waste clean-up fund created in section 3734.28 of the 2429  
Revised Code; 2430

(2) An additional ~~seventy-five-ninety~~ cents per ton 2431  
through June 30, ~~20242026~~, the proceeds of which shall be 2432  
deposited in the state treasury to the credit of the waste 2433  
management fund created in section 3734.061 of the Revised Code. 2434

(3) An additional two dollars and ~~eighty-five~~eighty-one cents per ton through June 30, ~~2024~~2026, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton through June 30, ~~2024~~2026, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code;

(5) An additional eight cents per ton through June 30, 2026, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received

at the facility that was not previously taken to a solid waste 2465  
transfer facility located in this state multiplied by the fees 2466  
levied under this division. Fees levied under this division do 2467  
not apply to materials separated from a mixed waste stream for 2468  
recycling by a generator or materials removed from the solid 2469  
waste stream through recycling, as "recycling" is defined in 2470  
rules adopted under section 3734.02 of the Revised Code. 2471

The owner or operator of a solid waste transfer facility 2472  
or disposal facility, as applicable, shall prepare and file with 2473  
the director of environmental protection each month a return 2474  
indicating the total tonnage of solid wastes received at the 2475  
facility during that month and the total amount of the fees 2476  
required to be collected under this division during that month. 2477  
In addition, the owner or operator of a solid waste disposal 2478  
facility shall indicate on the return the total tonnage of solid 2479  
wastes received from transfer facilities located in this state 2480  
during that month for which the fees were required to be 2481  
collected by the transfer facilities. The monthly returns shall 2482  
be filed on a form prescribed by the director. Not later than 2483  
thirty days after the last day of the month to which a return 2484  
applies, the owner or operator shall mail to the director the 2485  
return for that month together with the fees required to be 2486  
collected under this division during that month as indicated on 2487  
the return or may submit the return and fees electronically in a 2488  
manner approved by the director. If the return is filed and the 2489  
amount of the fees due is paid in a timely manner as required in 2490  
this division, the owner or operator may retain a discount of 2491  
three-fourths of one per cent of the total amount of the fees 2492  
that are required to be paid as indicated on the return. 2493

The owner or operator may request an extension of not more 2494  
than thirty days for filing the return and remitting the fees, 2495

provided that the owner or operator has submitted such a request 2496  
in writing to the director together with a detailed description 2497  
of why the extension is requested, the director has received the 2498  
request not later than the day on which the return is required 2499  
to be filed, and the director has approved the request. If the 2500  
fees are not remitted within thirty days after the last day of 2501  
the month to which the return applies or are not remitted by the 2502  
last day of an extension approved by the director, the owner or 2503  
operator shall not retain the three-fourths of one per cent 2504  
discount and shall pay an additional ten per cent of the amount 2505  
of the fees for each month that they are late. For purposes of 2506  
calculating the late fee, the first month in which fees are late 2507  
begins on the first day after the deadline has passed for timely 2508  
submitting the return and fees, and one additional month shall 2509  
be counted every thirty days thereafter. 2510

The owner or operator of a solid waste facility may 2511  
request a refund or credit of fees levied under this division 2512  
and remitted to the director that have not been paid to the 2513  
owner or operator. Such a request shall be made only if the fees 2514  
have not been collected by the owner or operator, have become a 2515  
debt that has become worthless or uncollectable for a period of 2516  
six months or more, and may be claimed as a deduction, including 2517  
a deduction claimed if the owner or operator keeps accounts on 2518  
an accrual basis, under the "Internal Revenue Code of 1954," 68A 2519  
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 2520  
under it. Prior to making a request for a refund or credit, an 2521  
owner or operator shall make reasonable efforts to collect the 2522  
applicable fees. A request for a refund or credit shall not 2523  
include any costs resulting from those efforts to collect unpaid 2524  
fees. 2525

A request for a refund or credit of fees shall be made in 2526

writing, on a form prescribed by the director, and shall be 2527  
supported by evidence that may be required in rules adopted by 2528  
the director under this chapter. After reviewing the request, 2529  
and if the request and evidence submitted with the request 2530  
indicate that a refund or credit is warranted, the director 2531  
shall grant a refund to the owner or operator or shall permit a 2532  
credit to be taken by the owner or operator on a subsequent 2533  
monthly return submitted by the owner or operator. The amount of 2534  
a refund or credit shall not exceed an amount that is equal to 2535  
ninety days' worth of fees owed to an owner or operator by a 2536  
particular debtor of the owner or operator. A refund or credit 2537  
shall not be granted by the director to an owner or operator 2538  
more than once in any twelve-month period for fees owed to the 2539  
owner or operator by a particular debtor. 2540

If, after receiving a refund or credit from the director, 2541  
an owner or operator receives payment of all or part of the 2542  
fees, the owner or operator shall remit the fees with the next 2543  
monthly return submitted to the director together with a written 2544  
explanation of the reason for the submittal. 2545

For purposes of computing the fees levied under this 2546  
division or division (B) of this section, any solid waste 2547  
transfer or disposal facility that does not use scales as a 2548  
means of determining gate receipts shall use a conversion factor 2549  
of three cubic yards per ton of solid waste or one cubic yard 2550  
per ton for baled waste, as applicable. 2551

The fees levied under this division and divisions (B) and 2552  
(C) of this section are in addition to all other applicable fees 2553  
and taxes and shall be paid by the customer or a political 2554  
subdivision to the owner or operator of a solid waste transfer 2555  
or disposal facility. In the alternative, the fees shall be paid 2556

by a customer or political subdivision to a transporter of waste 2557  
who subsequently transfers the fees to the owner or operator of 2558  
such a facility. The fees shall be paid notwithstanding the 2559  
existence of any provision in a contract that the customer or a 2560  
political subdivision may have with the owner or operator or 2561  
with a transporter of waste to the facility that would not 2562  
require or allow such payment regardless of whether the contract 2563  
was entered prior to or after October 16, 2009. For those 2564  
purposes, "customer" means a person who contracts with, or 2565  
utilizes the solid waste services of, the owner or operator of a 2566  
solid waste transfer or disposal facility or a transporter of 2567  
solid waste to such a facility. 2568

(B) For the purposes specified in division (G) of this 2569  
section, the solid waste management policy committee of a county 2570  
or joint solid waste management district may levy fees upon the 2571  
following activities: 2572

(1) The disposal at a solid waste disposal facility 2573  
located in the district of solid wastes generated within the 2574  
district; 2575

(2) The disposal at a solid waste disposal facility within 2576  
the district of solid wastes generated outside the boundaries of 2577  
the district, but inside this state; 2578

(3) The disposal at a solid waste disposal facility within 2579  
the district of solid wastes generated outside the boundaries of 2580  
this state. 2581

The solid waste management plan of the county or joint 2582  
district approved under section 3734.521 or 3734.55 of the 2583  
Revised Code and any amendments to it, or the resolution adopted 2584  
under this division, as appropriate, shall establish the rates 2585

of the fees levied under divisions (B) (1), (2), and (3) of this 2586  
section, if any, and shall specify whether the fees are levied 2587  
on the basis of tons or cubic yards as the unit of measurement. 2588  
A solid waste management district that levies fees under this 2589  
division on the basis of cubic yards shall do so in accordance 2590  
with division (A) of this section. 2591

The fee levied under division (B) (1) of this section shall 2592  
be not less than one dollar per ton nor more than two dollars 2593  
per ton, the fee levied under division (B) (2) of this section 2594  
shall be not less than two dollars per ton nor more than four 2595  
dollars per ton, and the fee levied under division (B) (3) of 2596  
this section shall be not more than the fee levied under 2597  
division (B) (1) of this section. 2598

Prior to the approval of the solid waste management plan 2599  
of a district under section 3734.55 of the Revised Code, the 2600  
solid waste management policy committee of a district may levy 2601  
fees under this division by adopting a resolution establishing 2602  
the proposed amount of the fees. Upon adopting the resolution, 2603  
the committee shall deliver a copy of the resolution to the 2604  
board of county commissioners of each county forming the 2605  
district and to the legislative authority of each municipal 2606  
corporation and township under the jurisdiction of the district 2607  
and shall prepare and publish the resolution and a notice of the 2608  
time and location where a public hearing on the fees will be 2609  
held. Upon adopting the resolution, the committee shall deliver 2610  
written notice of the adoption of the resolution; of the amount 2611  
of the proposed fees; and of the date, time, and location of the 2612  
public hearing to the director and to the fifty industrial, 2613  
commercial, or institutional generators of solid wastes within 2614  
the district that generate the largest quantities of solid 2615  
wastes, as determined by the committee, and to their local trade 2616

associations. The committee shall make good faith efforts to 2617  
identify those generators within the district and their local 2618  
trade associations, but the nonprovision of notice under this 2619  
division to a particular generator or local trade association 2620  
does not invalidate the proceedings under this division. The 2621  
publication shall occur at least thirty days before the hearing. 2622  
After the hearing, the committee may make such revisions to the 2623  
proposed fees as it considers appropriate and thereafter, by 2624  
resolution, shall adopt the revised fee schedule. Upon adopting 2625  
the revised fee schedule, the committee shall deliver a copy of 2626  
the resolution doing so to the board of county commissioners of 2627  
each county forming the district and to the legislative 2628  
authority of each municipal corporation and township under the 2629  
jurisdiction of the district. Within sixty days after the 2630  
delivery of a copy of the resolution adopting the proposed 2631  
revised fees by the policy committee, each such board and 2632  
legislative authority, by ordinance or resolution, shall approve 2633  
or disapprove the revised fees and deliver a copy of the 2634  
ordinance or resolution to the committee. If any such board or 2635  
legislative authority fails to adopt and deliver to the policy 2636  
committee an ordinance or resolution approving or disapproving 2637  
the revised fees within sixty days after the policy committee 2638  
delivered its resolution adopting the proposed revised fees, it 2639  
shall be conclusively presumed that the board or legislative 2640  
authority has approved the proposed revised fees. The committee 2641  
shall determine if the resolution has been ratified in the same 2642  
manner in which it determines if a draft solid waste management 2643  
plan has been ratified under division (B) of section 3734.55 of 2644  
the Revised Code. 2645

The committee may amend the schedule of fees levied 2646  
pursuant to a resolution adopted and ratified under this 2647



division by adopting a resolution establishing the proposed 2648  
amount of the amended fees. The committee may repeal the fees 2649  
levied pursuant to such a resolution by adopting a resolution 2650  
proposing to repeal them. Upon adopting such a resolution, the 2651  
committee shall proceed to obtain ratification of the resolution 2652  
in accordance with this division. 2653

Not later than fourteen days after declaring the new fees 2654  
to be ratified or the fees to be repealed under this division, 2655  
the committee shall notify by certified mail the owner or 2656  
operator of each solid waste disposal facility that is required 2657  
to collect the fees of the ratification and the amount of the 2658  
fees or of the repeal of the fees. Collection of any fees shall 2659  
commence or collection of repealed fees shall cease on the first 2660  
day of the second month following the month in which 2661  
notification is sent to the owner or operator. 2662

Fees levied under this division also may be established, 2663  
amended, or repealed by a solid waste management policy 2664  
committee through the adoption of a new district solid waste 2665  
management plan, the adoption of an amended plan, or the 2666  
amendment of the plan or amended plan in accordance with 2667  
sections 3734.55 and 3734.56 of the Revised Code or the adoption 2668  
or amendment of a district plan in connection with a change in 2669  
district composition under section 3734.521 of the Revised Code. 2670

Not later than fourteen days after the director issues an 2671  
order approving a district's solid waste management plan, 2672  
amended plan, or amendment to a plan or amended plan that 2673  
establishes, amends, or repeals a schedule of fees levied by the 2674  
district, the committee shall notify by certified mail the owner 2675  
or operator of each solid waste disposal facility that is 2676  
required to collect the fees of the approval of the plan or 2677

amended plan, or the amendment to the plan, as appropriate, and 2678  
the amount of the fees, if any. In the case of an initial or 2679  
amended plan approved under section 3734.521 of the Revised Code 2680  
in connection with a change in district composition, other than 2681  
one involving the withdrawal of a county from a joint district, 2682  
the committee, within fourteen days after the change takes 2683  
effect pursuant to division (G) of that section, shall notify by 2684  
certified mail the owner or operator of each solid waste 2685  
disposal facility that is required to collect the fees that the 2686  
change has taken effect and of the amount of the fees, if any. 2687  
Collection of any fees shall commence or collection of repealed 2688  
fees shall cease on the first day of the second month following 2689  
the month in which notification is sent to the owner or 2690  
operator. 2691

If, in the case of a change in district composition 2692  
involving the withdrawal of a county from a joint district, the 2693  
director completes the actions required under division (G) (1) or 2694  
(3) of section 3734.521 of the Revised Code, as appropriate, 2695  
forty-five days or more before the beginning of a calendar year, 2696  
the policy committee of each of the districts resulting from the 2697  
change that obtained the director's approval of an initial or 2698  
amended plan in connection with the change, within fourteen days 2699  
after the director's completion of the required actions, shall 2700  
notify by certified mail the owner or operator of each solid 2701  
waste disposal facility that is required to collect the 2702  
district's fees that the change is to take effect on the first 2703  
day of January immediately following the issuance of the notice 2704  
and of the amount of the fees or amended fees levied under 2705  
divisions (B) (1) to (3) of this section pursuant to the 2706  
district's initial or amended plan as so approved or, if 2707  
appropriate, the repeal of the district's fees by that initial 2708

or amended plan. Collection of any fees set forth in such a plan 2709  
or amended plan shall commence on the first day of January 2710  
immediately following the issuance of the notice. If such an 2711  
initial or amended plan repeals a schedule of fees, collection 2712  
of the fees shall cease on that first day of January. 2713

If, in the case of a change in district composition 2714  
involving the withdrawal of a county from a joint district, the 2715  
director completes the actions required under division (G) (1) or 2716  
(3) of section 3734.521 of the Revised Code, as appropriate, 2717  
less than forty-five days before the beginning of a calendar 2718  
year, the director, on behalf of each of the districts resulting 2719  
from the change that obtained the director's approval of an 2720  
initial or amended plan in connection with the change 2721  
proceedings, shall notify by certified mail the owner or 2722  
operator of each solid waste disposal facility that is required 2723  
to collect the district's fees that the change is to take effect 2724  
on the first day of January immediately following the mailing of 2725  
the notice and of the amount of the fees or amended fees levied 2726  
under divisions (B) (1) to (3) of this section pursuant to the 2727  
district's initial or amended plan as so approved or, if 2728  
appropriate, the repeal of the district's fees by that initial 2729  
or amended plan. Collection of any fees set forth in such a plan 2730  
or amended plan shall commence on the first day of the second 2731  
month following the month in which notification is sent to the 2732  
owner or operator. If such an initial or amended plan repeals a 2733  
schedule of fees, collection of the fees shall cease on the 2734  
first day of the second month following the month in which 2735  
notification is sent to the owner or operator. 2736

If the schedule of fees that a solid waste management 2737  
district is levying under divisions (B) (1) to (3) of this 2738  
section is amended or repealed, the fees in effect immediately 2739

prior to the amendment or repeal shall continue to be collected 2740  
until collection of the amended fees commences or collection of 2741  
the repealed fees ceases, as applicable, as specified in this 2742  
division. In the case of a change in district composition, money 2743  
so received from the collection of the fees of the former 2744  
districts shall be divided among the resulting districts in 2745  
accordance with division ~~(B)~~(E) of section 343.012 of the 2746  
Revised Code and the agreements entered into under division (B) 2747  
of section 343.01 of the Revised Code to establish the former 2748  
and resulting districts and any amendments to those agreements. 2749

For the purposes of the provisions of division (B) of this 2750  
section establishing the times when newly established or amended 2751  
fees levied by a district are required to commence and the 2752  
collection of fees that have been amended or repealed is 2753  
required to cease, "fees" or "schedule of fees" includes, in 2754  
addition to fees levied under divisions (B) (1) to (3) of this 2755  
section, those levied under section 3734.573 or 3734.574 of the 2756  
Revised Code. 2757

(C) For the purposes of defraying the added costs to a 2758  
municipal corporation or township of maintaining roads and other 2759  
public facilities and of providing emergency and other public 2760  
services, and compensating a municipal corporation or township 2761  
for reductions in real property tax revenues due to reductions 2762  
in real property valuations resulting from the location and 2763  
operation of a solid waste disposal facility within the 2764  
municipal corporation or township, a municipal corporation or 2765  
township in which such a solid waste disposal facility is 2766  
located may levy a fee of not more than twenty-five cents per 2767  
ton on the disposal of solid wastes at a solid waste disposal 2768  
facility located within the boundaries of the municipal 2769  
corporation or township regardless of where the wastes were 2770

generated. 2771

The legislative authority of a municipal corporation or 2772  
township may levy fees under this division by enacting an 2773  
ordinance or adopting a resolution establishing the amount of 2774  
the fees. Upon so doing the legislative authority shall mail a 2775  
certified copy of the ordinance or resolution to the board of 2776  
county commissioners or directors of the county or joint solid 2777  
waste management district in which the municipal corporation or 2778  
township is located or, if a regional solid waste management 2779  
authority has been formed under section 343.011 of the Revised 2780  
Code, to the board of trustees of that regional authority, the 2781  
owner or operator of each solid waste disposal facility in the 2782  
municipal corporation or township that is required to collect 2783  
the fee by the ordinance or resolution, and the director of 2784  
environmental protection. Although the fees levied under this 2785  
division are levied on the basis of tons as the unit of 2786  
measurement, the legislative authority, in its ordinance or 2787  
resolution levying the fees under this division, may direct that 2788  
the fees be levied on the basis of cubic yards as the unit of 2789  
measurement based upon a conversion factor of three cubic yards 2790  
per ton generally or one cubic yard per ton for baled wastes. 2791

Not later than five days after enacting an ordinance or 2792  
adopting a resolution under this division, the legislative 2793  
authority shall so notify by certified mail the owner or 2794  
operator of each solid waste disposal facility that is required 2795  
to collect the fee. Collection of any fee levied on or after 2796  
March 24, 1992, shall commence on the first day of the second 2797  
month following the month in which notification is sent to the 2798  
owner or operator. 2799

(D) (1) The fees levied under divisions (A), (B), and (C) 2800

of this section do not apply to the disposal of solid wastes 2801  
that: 2802

(a) Are disposed of at a facility owned by the generator 2803  
of the wastes when the solid waste facility exclusively disposes 2804  
of solid wastes generated at one or more premises owned by the 2805  
generator regardless of whether the facility is located on a 2806  
premises where the wastes are generated; 2807

(b) Are generated from the combustion of coal, or from the 2808  
combustion of primarily coal, regardless of whether the disposal 2809  
facility is located on the premises where the wastes are 2810  
generated; 2811

(c) Are asbestos or asbestos-containing materials or 2812  
products disposed of at a construction and demolition debris 2813  
facility that is licensed under Chapter 3714. of the Revised 2814  
Code or at a solid waste facility that is licensed under this 2815  
chapter. 2816

(2) Except as provided in section 3734.571 of the Revised 2817  
Code, any fees levied under division (B) (1) of this section 2818  
apply to solid wastes originating outside the boundaries of a 2819  
county or joint district that are covered by an agreement for 2820  
the joint use of solid waste facilities entered into under 2821  
section 343.02 of the Revised Code by the board of county 2822  
commissioners or board of directors of the county or joint 2823  
district where the wastes are generated and disposed of. 2824

(3) When solid wastes, other than solid wastes that 2825  
consist of scrap tires, are burned in a disposal facility that 2826  
is an incinerator or energy recovery facility, the fees levied 2827  
under divisions (A), (B), and (C) of this section shall be 2828  
levied upon the disposal of the fly ash and bottom ash remaining 2829

after burning of the solid wastes and shall be collected by the 2830  
owner or operator of the sanitary landfill where the ash is 2831  
disposed of. 2832

(4) When solid wastes are delivered to a solid waste 2833  
transfer facility, the fees levied under divisions (B) and (C) 2834  
of this section shall be levied upon the disposal of solid 2835  
wastes transported off the premises of the transfer facility for 2836  
disposal and shall be collected by the owner or operator of the 2837  
solid waste disposal facility where the wastes are disposed of. 2838

(5) The fees levied under divisions (A), (B), and (C) of 2839  
this section do not apply to sewage sludge that is generated by 2840  
a waste water treatment facility holding a national pollutant 2841  
discharge elimination system permit and that is disposed of 2842  
through incineration, land application, or composting or at 2843  
another resource recovery or disposal facility that is not a 2844  
landfill. 2845

(6) The fees levied under divisions (A), (B), and (C) of 2846  
this section do not apply to solid wastes delivered to a solid 2847  
waste composting facility for processing. When any unprocessed 2848  
solid waste or compost product is transported off the premises 2849  
of a composting facility and disposed of at a landfill, the fees 2850  
levied under divisions (A), (B), and (C) of this section shall 2851  
be collected by the owner or operator of the landfill where the 2852  
unprocessed waste or compost product is disposed of. 2853

(7) When solid wastes that consist of scrap tires are 2854  
processed at a scrap tire recovery facility, the fees levied 2855  
under divisions (A), (B), and (C) of this section shall be 2856  
levied upon the disposal of the fly ash and bottom ash or other 2857  
solid wastes remaining after the processing of the scrap tires 2858  
and shall be collected by the owner or operator of the solid 2859

waste disposal facility where the ash or other solid wastes are 2860  
disposed of. 2861

(8) The director of environmental protection may issue an 2862  
order exempting from the fees levied under this section solid 2863  
wastes, including, but not limited to, scrap tires, that are 2864  
generated, transferred, or disposed of as a result of a contract 2865  
providing for the expenditure of public funds entered into by 2866  
the administrator or regional administrator of the United States 2867  
environmental protection agency, the director of environmental 2868  
protection, or the director of administrative services on behalf 2869  
of the director of environmental protection for the purpose of 2870  
remediating conditions at a hazardous waste facility, solid 2871  
waste facility, or other location at which the administrator or 2872  
regional administrator or the director of environmental 2873  
protection has reason to believe that there is a substantial 2874  
threat to public health or safety or the environment or that the 2875  
conditions are causing or contributing to air or water pollution 2876  
or soil contamination. An order issued by the director of 2877  
environmental protection under division (D) (8) of this section 2878  
shall include a determination that the amount of the fees not 2879  
received by a solid waste management district as a result of the 2880  
order will not adversely impact the implementation and financing 2881  
of the district's approved solid waste management plan and any 2882  
approved amendments to the plan. Such an order is a final action 2883  
of the director of environmental protection. 2884

(E) The fees levied under divisions (B) and (C) of this 2885  
section shall be collected by the owner or operator of the solid 2886  
waste disposal facility where the wastes are disposed of as a 2887  
trustee for the county or joint district and municipal 2888  
corporation or township where the wastes are disposed of. Moneys 2889  
from the fees levied under division (B) of this section shall be 2890



forwarded to the board of county commissioners or board of 2891  
directors of the district in accordance with rules adopted under 2892  
division (H) of this section. Moneys from the fees levied under 2893  
division (C) of this section shall be forwarded to the treasurer 2894  
or such other officer of the municipal corporation as, by virtue 2895  
of the charter, has the duties of the treasurer or to the fiscal 2896  
officer of the township, as appropriate, in accordance with 2897  
those rules. 2898

(F) Moneys received by the treasurer or other officer of 2899  
the municipal corporation under division (E) of this section 2900  
shall be paid into the general fund of the municipal 2901  
corporation. Moneys received by the fiscal officer of the 2902  
township under that division shall be paid into the general fund 2903  
of the township. The treasurer or other officer of the municipal 2904  
corporation or the township fiscal officer, as appropriate, 2905  
shall maintain separate records of the moneys received from the 2906  
fees levied under division (C) of this section. 2907

(G) Moneys received by the board of county commissioners 2908  
or board of directors under division (E) of this section or 2909  
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 2910  
Code shall be paid to the county treasurer, or other official 2911  
acting in a similar capacity under a county charter, in a county 2912  
district or to the county treasurer or other official designated 2913  
by the board of directors in a joint district and kept in a 2914  
separate and distinct fund to the credit of the district. If a 2915  
regional solid waste management authority has been formed under 2916  
section 343.011 of the Revised Code, moneys received by the 2917  
board of trustees of that regional authority under division (E) 2918  
of this section shall be kept by the board in a separate and 2919  
distinct fund to the credit of the district. Moneys in the 2920  
special fund of the county or joint district arising from the 2921

fees levied under division (B) of this section and the fee 2922  
levied under division (A) of section 3734.573 of the Revised 2923  
Code shall be expended by the board of county commissioners or 2924  
directors of the district in accordance with the district's 2925  
solid waste management plan or amended plan approved under 2926  
section 3734.521, 3734.55, or 3734.56 of the Revised Code 2927  
exclusively for the following purposes: 2928

(1) Preparation of the solid waste management plan of the 2929  
district under section 3734.54 of the Revised Code, monitoring 2930  
implementation of the plan, and conducting the periodic review 2931  
and amendment of the plan required by section 3734.56 of the 2932  
Revised Code by the solid waste management policy committee; 2933

(2) Implementation of the approved solid waste management 2934  
plan or amended plan of the district, including, without 2935  
limitation, the development and implementation of solid waste 2936  
recycling or reduction programs; 2937

(3) Providing financial assistance to boards of health 2938  
within the district, if solid waste facilities are located 2939  
within the district, for enforcement of this chapter and rules, 2940  
orders, and terms and conditions of permits, licenses, and 2941  
variances adopted or issued under it, other than the hazardous 2942  
waste provisions of this chapter and rules adopted and orders 2943  
and terms and conditions of permits issued under those 2944  
provisions; 2945

(4) Providing financial assistance to each county within 2946  
the district to defray the added costs of maintaining roads and 2947  
other public facilities and of providing emergency and other 2948  
public services resulting from the location and operation of a 2949  
solid waste facility within the county under the district's 2950  
approved solid waste management plan or amended plan; 2951

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and

of providing emergency and other public services resulting from 2982  
the location and operation within their boundaries of a 2983  
composting, energy or resource recovery, incineration, or 2984  
recycling facility that either is owned by the district or is 2985  
furnishing solid waste management facility or recycling services 2986  
to the district pursuant to a contract or agreement with the 2987  
board of county commissioners or directors of the district; 2988

(10) Payment of any expenses that are agreed to, awarded, 2989  
or ordered to be paid under section 3734.35 of the Revised Code 2990  
and of any administrative costs incurred pursuant to that 2991  
section. In the case of a joint solid waste management district, 2992  
if the board of county commissioners of one of the counties in 2993  
the district is negotiating on behalf of affected communities, 2994  
as defined in that section, in that county, the board shall 2995  
obtain the approval of the board of directors of the district in 2996  
order to expend moneys for administrative costs incurred. 2997

(11) Providing financial assistance to individual 2998  
counties, boards of health, municipal corporations, and 2999  
townships for the costs of mitigating impacts to public health, 3000  
safety, and welfare of solid waste disposal or transfer 3001  
facilities within the applicable political subdivision. 3002

Prior to the approval of the district's solid waste 3003  
management plan under section 3734.55 of the Revised Code, 3004  
moneys in the special fund of the district arising from the fees 3005  
shall be expended for those purposes in the manner prescribed by 3006  
the solid waste management policy committee by resolution. 3007

~~Notwithstanding division (G) (6) of this section as it 3008~~  
~~existed prior to October 29, 1993, or any provision in a 3009~~  
~~district's solid waste management plan prepared in accordance 3010~~  
~~with division (B) (2) (e) of section 3734.53 of the Revised Code 3011~~

~~as it existed prior to that date, any moneys arising from the~~ 3012  
~~fees levied under division (B) (3) of this section prior to~~ 3013  
~~January 1, 1994, may be expended for any of the purposes~~ 3014  
~~authorized in divisions (G) (1) to (10) of this section.~~ 3015

(H) The director shall adopt rules in accordance with 3016  
Chapter 119. of the Revised Code prescribing procedures for 3017  
collecting and forwarding the fees levied under divisions (B) 3018  
and (C) of this section to the boards of county commissioners or 3019  
directors of county or joint solid waste management districts 3020  
and to the treasurers or other officers of municipal 3021  
corporations and the fiscal officers of townships. The rules 3022  
also shall prescribe the dates for forwarding the fees to the 3023  
boards and officials and may prescribe any other requirements 3024  
the director considers necessary or appropriate to implement and 3025  
administer divisions (A), (B), and (C) of this section. 3026

**Sec. 3734.574.** (A) (1) A county or joint solid waste 3027  
management district that is levying fees under division (B) of 3028  
section 3734.57 of the Revised Code on October 29, 1993, 3029  
pursuant to a resolution adopted under that division and former 3030  
Section 25 of Am. Sub. S.B. 359 of the 119th general assembly, 3031  
or one that is levying those fees pursuant to such a resolution 3032  
and for which the director of environmental protection 3033  
disapproves the initial solid waste management plan of the 3034  
district under section 3734.55 of the Revised Code on or after 3035  
October 29, 1993, may continue to ~~levy~~levy those fees until the 3036  
district abolishes them under division (D) of this section, the 3037  
director issues an order under division (F) of this section 3038  
requiring the district to cease levying the fees, or the 3039  
district obtains approval of its own plan under section 3734.521 3040  
or 3734.56 of the Revised Code and collection of the fees 3041  
established in the approved plan commences in accordance with 3042

division (B) of section 3734.57 of the Revised Code. 3043

(2) A county or joint solid waste management district that 3044  
is levying fees under division (B) of section 3734.57 of the 3045  
Revised Code or division (A) of section 3734.573 of the Revised 3046  
Code under an initial or amended solid waste management plan 3047  
approved under section 3734.521, 3734.55, or 3734.56 of the 3048  
Revised Code when the director issues an order under division 3049  
(D) or (F) of section 3734.521 of the Revised Code or division 3050  
(A) or (B) of section 3734.56 of the Revised Code requiring the 3051  
district to implement an amended plan prepared by the director, 3052  
may continue to levy those fees until the district abolishes 3053  
them under division (D) of this section, the director issues an 3054  
order under division (F) of this section requiring the district 3055  
to cease levying the fees, or the district obtains approval of 3056  
its own plan or amended plan under section 3734.521 or 3734.56 3057  
of the Revised Code and collection of the fees established in 3058  
the approved plan or amended plan commences in accordance with 3059  
division (B) of section 3734.57 of the Revised Code. 3060

(B) The solid waste management policy committee of a 3061  
county or joint district described in division (A) (1) of this 3062  
section may ~~a~~levy a fee under division (A) of section 3734.573 3063  
of the Revised Code by adopting and obtaining ratification of a 3064  
resolution establishing the amount of the fee. The policy 3065  
committee of such a district that, after December 1, 1993, 3066  
concurrently proposes to levy a fee under division (A) of 3067  
section 3734.573 of the Revised Code and to amend the fees that 3068  
the district is levying under division (B) of section 3734.57 of 3069  
the Revised Code may adopt and obtain ratification of one 3070  
resolution to do both. A county or joint district that is 3071  
ordered under division (D) or (F) of section 3734.521 of the 3072  
Revised Code to implement an initial plan prepared by the 3073

director may levy fees under division (B) of section 3734.57 of 3074  
the Revised Code or division (A) of section 3734.573 of the 3075  
Revised Code by adopting and obtaining ratification of a 3076  
resolution specifying which of the fees are to be levied and 3077  
their amounts. The requirements and procedures set forth in 3078  
division (B) of section 3734.57 of the Revised Code governing 3079  
the adoption of resolutions levying fees under that division, 3080  
the ratification of those resolutions, and the notification of 3081  
owners and operators of solid waste facilities required to 3082  
collect fees under those divisions govern the adoption and 3083  
ratification of resolutions levying fees under this division and 3084  
the notification of owners and operators required to collect the 3085  
fees levied under this division, except as otherwise 3086  
specifically provided in division (C) of this section. Any such 3087  
district may levy fees under this division until the district 3088  
abolishes the fees under division (D) of this section, the 3089  
director issues an order under division (F) of this section 3090  
requiring the district to cease levying the fees, or the 3091  
district obtains approval of its own plan or amended plan under 3092  
section 3734.521 or 3734.56 of the Revised Code and collection 3093  
of the fees established in the approved plan or amended plan 3094  
commences in accordance with division (B) of section 3734.57 of 3095  
the Revised Code. 3096

(C) Any resolution adopted under division (B) of this 3097  
section that proposes to levy a fee under division (A) of 3098  
section 3734.573 of the Revised Code that exceeds five dollars 3099  
per ton shall be ratified in accordance with the provisions of 3100  
division (B) of section 3734.57 of the Revised Code, except that 3101  
such a resolution shall be approved by a combination of 3102  
municipal corporations and townships with a combined population 3103  
within the boundaries of the district comprising at least 3104

seventy-five per cent, rather than at least sixty per cent, of 3105  
the total population of the district. 3106

(D) The policy committee of a county or joint district may 3107  
amend fees levied by the district under division (A) or (B) of 3108  
this section by adopting and obtaining ratification of a 3109  
resolution establishing the proposed amount of the amended fees. 3110  
The committee may abolish any of those fees or any amended fees 3111  
established under this division by adopting and obtaining 3112  
ratification of a resolution repealing them. A district that is 3113  
proposing at the same time to amend or abolish the fees levied 3114  
under divisions (A) and (B) of this section may adopt one 3115  
resolution proposing the amendment or repeal of all of the fees. 3116  
The requirements and procedures under division (B) and, if 3117  
applicable, division (C) of this section govern the adoption and 3118  
ratification of a resolution authorized to be adopted under this 3119  
division and the notification of owners and operators of solid 3120  
waste facilities required to collect the fees. Collection of the 3121  
fees so amended or abolished commences or ceases in accordance 3122  
with division (B) of section 3734.57 of the Revised Code. 3123

(E) Not later than thirty days before the beginning of 3124  
each calendar quarter, the board of county commissioners or 3125  
board of directors of a district that is levying fees under 3126  
division (A) or (B) of this section shall submit to the director 3127  
a proposed budget for the expenditure of moneys from the special 3128  
fund of the district created under division (G) of section 3129  
3734.57 of the Revised Code. The proposed budget shall be 3130  
submitted on a form prescribed by the director. 3131

The director may disapprove in whole or in part such a 3132  
proposed quarterly budget for any of the following reasons: 3133

(1) The proposed budget includes expenditures for any 3134



purpose other than those authorized under ~~divisions (G) (1) to~~ 3135  
~~(10) division (G)~~ of section 3734.57 of the Revised Code; 3136

(2) The director reasonably estimates that there will be 3137  
insufficient moneys in the special fund created to meet the 3138  
proposed expenditures; 3139

(3) The board failed to submit the proposed budget to the 3140  
director at least thirty days prior to the beginning of the 3141  
calendar quarter to which it pertains; 3142

(4) The board failed to submit the latest report of 3143  
quarterly expenditures from the fund that it was required to 3144  
submit under section 3734.575 of the Revised Code within thirty 3145  
days after the end of the calendar quarter to which it pertains; 3146

(5) The district is materially failing to comply with the 3147  
implementation schedule contained in the plan or amended plan of 3148  
the district prepared and ordered to be implemented under 3149  
section 3734.521, 3734.55, or 3734.56 of the Revised Code; 3150

(6) There have been repeated inconsistencies between the 3151  
expenditures projected in the proposed budgets submitted under 3152  
division (E) of this section and actual expenditures from the 3153  
fund. 3154

If the director does not disapprove a proposed quarterly 3155  
budget prior to the first day of the calendar quarter to which 3156  
it pertains, it is conclusively presumed that the proposed 3157  
budget has not been disapproved. 3158

Nothing in division (E) of this section precludes the 3159  
board of county commissioners or directors of a district from 3160  
making necessary expenditures to meet unforeseen circumstances 3161  
that occur during a calendar quarter that were not provided for 3162  
in the proposed budget for that quarter. Prior to making any 3163

such expenditure, the board shall notify the director of the 3164  
nature of the unforeseen circumstances and of the amount of the 3165  
expenditure needed to meet them. The board shall include an 3166  
explanation of the nature of the unforeseen circumstances and of 3167  
the necessity and amount of the expenditures to meet them in the 3168  
quarterly expenditure report for the quarter in which the 3169  
expenditures were made that is submitted to the director under 3170  
section 3734.575 of the Revised Code. 3171

(F) If the director finds that the board of county 3172  
commissioners or directors of a district that is levying fees 3173  
under division (A) or (B) of this section is in material and 3174  
continued noncompliance with the implementation schedule 3175  
contained in the plan or amended plan of the district prepared 3176  
and ordered to be implemented under section 3734.521, 3734.55, 3177  
or 3734.56 of the Revised Code, or if repeated whole or partial 3178  
disapprovals of the proposed quarterly budgets of the district 3179  
have occurred under division (E) of this section, the director 3180  
may issue an order to the board terminating the collection of 3181  
all of the fees levied by the district under division (A) or (B) 3182  
of this section. 3183

Notwithstanding section 119.06 of the Revised Code, the 3184  
director may issue an order under this division or disapprove in 3185  
whole or in part a proposed budget under division (E) of this 3186  
section by issuance of a final action that is effective upon 3187  
issuance without the necessity to hold any adjudication hearing 3188  
in connection with the order or disapproval and without the 3189  
issuance of a proposed action under section 3745.07 of the 3190  
Revised Code. 3191

(G) The director, in accordance with Chapter 119. of the 3192  
Revised Code, may adopt, amend, suspend, and rescind such rules 3193

as the director considers to be necessary or appropriate to 3194  
implement or administer this section or division (D) of section 3195  
3734.55 of the Revised Code. 3196

(H) Moneys received by a district levying fees under 3197  
division (A) or (B) of this section shall be credited to the 3198  
special fund of the district created in division (G) of section 3199  
3734.57 of the Revised Code and shall be used exclusively for 3200  
the purposes set forth in ~~divisions (G) (1) to (10)~~ division (G) 3201  
of that section in the manner prescribed by the solid waste 3202  
management policy committee of the district by resolution and 3203  
for the purposes of section 3734.551 of the Revised Code. 3204

Sec. 3734.579. (A) There is created in the state treasury 3205  
the national priority list remedial support fund. The fund shall 3206  
consist of transfer and disposal fees paid into the fund under 3207  
division (A) (5) of section 3734.57 of the Revised Code. 3208

(B) The director of environmental protection shall use the 3209  
fund to pay for the state's removal and remedial actions and 3210  
long term operation and maintenance costs or applicable cost 3211  
shares for actions taken under the federal "Comprehensive 3212  
Environmental Response, Compensation, and Liability Act of 3213  
1980," 42 U.S.C. 9601, et seq. The director may use money in the 3214  
fund to enter into contracts and grant agreements with federal, 3215  
state, or local government agencies, nonprofit organizations, 3216  
colleges, and universities to carry out the responsibilities of 3217  
the environmental protection agency for which money may be 3218  
expended from the fund. 3219

**Section 2.** That existing sections 343.01, 343.011, 3220  
343.012, 343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3221  
3734.57, and 3734.574 of the Revised Code are hereby repealed. 3222