

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 147

Senator Reineke

To amend sections 343.01, 343.011, 343.012, 1
343.022, 343.08, 3714.07, 3714.073, 3734.521, 2
3734.53, 3734.56, 3734.57, and 3734.574 and to 3
enact section 3734.522 of the Revised Code to 4
make changes to the laws governing the transfer 5
and disposal of solid waste and construction and 6
demolition debris and to provide for new 7
procedures governing a county's withdrawal from 8
a joint solid waste management district. 9

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

Section 1. That sections 343.01, 343.011, 343.012, 10
343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3734.56, 11
3734.57, and 3734.574 be amended and section 3734.522 of the 12
Revised Code be enacted to read as follows: 13

Sec. 343.01. (A) In order to comply with division (B) of 14
section 3734.52 of the Revised Code, the board of county 15
commissioners of each county shall do one of the following: 16

(1) Establish, by resolution, and maintain a county solid 17
waste management district under this chapter that consists of 18
all the incorporated and unincorporated territory within the 19
county except as otherwise provided in division (A) of this 20

section; 21

(2) With the boards of county commissioners of one or more 22
other counties establish, by agreement, and maintain a joint 23
solid waste management district under this chapter that consists 24
of all the incorporated and unincorporated territory within the 25
counties forming the joint district except as otherwise provided 26
in division (A) of this section. 27

If a municipal corporation is located in more than one 28
solid waste management district, the entire municipal 29
corporation shall be considered to be included in and shall be 30
under the jurisdiction of the district in which a majority of 31
the population of the municipal corporation resides. 32

A county and joint district established to comply with 33
division (B) of section 3734.52 of the Revised Code shall have a 34
population of not less than one hundred twenty thousand unless, 35
in the instance of a county district, the board of county 36
commissioners has obtained an exemption from that requirement 37
under division (C) (1) or (2) of that section. Each joint 38
district established to comply with an order issued under 39
division (D) of that section shall have a population of at least 40
one hundred twenty thousand. 41

(B) The boards of county commissioners of the counties 42
establishing a joint district constitute, collectively, the 43
board of directors of the joint district, except that if a 44
county with a form of legislative authority other than a board 45
of county commissioners participates, it shall be represented on 46
the board of directors by three persons appointed by the 47
legislative authority. 48

The agreement to establish and maintain a joint district 49

shall be ratified by resolution of the board of county 50
commissioners of each participating county. Upon ratification, 51
the board of directors shall take control of and manage the 52
joint district subject to this chapter, except that, in the case 53
of a joint district formed pursuant to division ~~(C)~~ (B), ~~(D)~~ (C), 54
or ~~(E)~~ (D) of section 343.012 of the Revised Code, the board of 55
directors shall take control of and manage the district when the 56
formation of the district becomes final under the applicable 57
division. A majority of the board of directors constitutes a 58
quorum, and a majority vote is required for the board to act. 59

A county participating in a joint district may contribute 60
lands or rights or interests therein, money, other personal 61
property or rights or interests therein, or services to the 62
district. The agreement shall specify any contributions of 63
participating counties and the rights of the participating 64
counties in lands or personal property, or rights or interests 65
therein, contributed to or otherwise acquired by the joint 66
district. The agreement may be amended or added to by a majority 67
vote of the board of directors, but no amendment or addition 68
shall divest a participating county of any right or interest in 69
lands or personal property without its consent. 70

The board of directors may appoint and fix the 71
compensation of employees of, accept gifts, devises, and 72
bequests for, and take other actions necessary to control and 73
manage the joint district. Employees of the district shall be 74
considered county employees for the purposes of Chapter 124. of 75
the Revised Code and other provisions of state law applicable to 76
employees. Instead of or in addition to appointing employees of 77
the district, the board of directors may agree to use employees 78
of one or more of the participating counties in the service of 79
the joint district and to share in their compensation in any 80

manner that may be agreed upon. 81

The board of directors shall do one of the following: 82

(1) Designate the county auditor, including any other 83
official acting in a capacity similar to a county auditor under 84
a county charter, of a county participating in the joint 85
district as the fiscal officer of the district, and the county 86
treasurer, or other official acting in a capacity similar to a 87
county treasurer under a county charter, of that county as the 88
treasurer of the district. The designated county officials shall 89
perform any applicable duties for the district as each typically 90
performs for the county of which the individual is an official, 91
except as otherwise may be provided in any bylaws or resolutions 92
adopted by the board of directors. The board of directors may 93
pay to that county any amount agreed upon by the board of 94
directors and the board of county commissioners of that county 95
to reimburse that county for the cost properly allocable to the 96
service of its officials as fiscal officer and treasurer of the 97
joint district. 98

(2) Appoint one individual who is neither a county auditor 99
nor a county treasurer, and who may be an employee of the 100
district, to serve as both the treasurer of the district and its 101
fiscal officer. That individual shall act as custodian of the 102
funds of the board and the district and shall maintain all 103
accounts of the district. Any reference in this chapter or 104
Chapter 3734. of the Revised Code to a county auditor or county 105
treasurer serving as fiscal officer of a district or custodian 106
of any funds of a board or district is deemed to refer to an 107
individual appointed under division (B) (2) of this section. 108

The fiscal officer of a district shall establish a general 109
fund and any other necessary funds for the district. 110

(C) A board of county commissioners of a county district 111
or board of directors of a joint district may acquire, by 112
purchase or lease, construct, improve, enlarge, replace, 113
maintain, and operate such solid waste collection systems within 114
their respective districts and such solid waste facilities 115
within or outside their respective districts as are necessary 116
for the protection of the public health. A board of county 117
commissioners may acquire within its county real property or any 118
estate, interest, or right therein, by appropriation or any 119
other method, for use by a county or joint district in 120
connection with such facilities. Appropriation proceedings shall 121
be conducted in accordance with sections 163.01 to 163.22 of the 122
Revised Code. 123

(D) The sanitary engineer or sanitary engineering 124
department of a county maintaining a district and any sanitary 125
engineer or sanitary engineering department of a county in a 126
joint district, as determined by the board of directors, in 127
addition to other duties assigned to that engineer or 128
department, shall assist the board of county commissioners or 129
directors in the performance of their duties under this chapter 130
and sections 3734.52 to 3734.575 of the Revised Code and shall 131
be charged with any other duties and services in relation 132
thereto that the board prescribes. A board may employ registered 133
professional engineers to assist the sanitary engineer in those 134
duties and also may employ financial advisers and any other 135
professional services it considers necessary to assist it in the 136
construction, financing, and maintenance of solid waste 137
collection or other solid waste facilities. Such contracts of 138
employment shall not require the certificate provided in section 139
5705.41 of the Revised Code. Payment for such services may be 140
made from the general fund or any other fund legally available 141

for that use at times that are agreed upon or as determined by 142
the board of county commissioners or directors, and the funds 143
may be reimbursed from the proceeds of bonds or notes issued to 144
pay the cost of any improvement to which the services related. 145

(E) (1) The prosecuting attorney of the county shall serve 146
as the legal advisor of a county district and shall provide such 147
services to the board of county commissioners of the district as 148
are required or authorized to be provided to other county boards 149
under Chapter 309. of the Revised Code, except that, if the 150
board considers it to be necessary or appropriate, the board, on 151
its own initiative, may employ an attorney or other legal 152
counsel on an annual basis to serve as the legal advisor of the 153
district in place of the prosecuting attorney. When the 154
prosecuting attorney is serving as the district's legal advisor 155
and the board considers it to be necessary or appropriate, the 156
board, on its own initiative, may employ an attorney or other 157
legal counsel to represent or advise the board regarding a 158
particular matter in place of the prosecuting attorney. The 159
employment of an attorney or other legal counsel on an annual 160
basis or in a particular matter is not subject to or governed by 161
sections 305.14 and 309.09 of the Revised Code. 162

Notwithstanding the employment of an attorney or other 163
legal counsel on an annual basis to serve as the district's 164
legal advisor, the board may require written opinions or 165
instructions from the prosecuting attorney under section 309.09 166
of the Revised Code in matters connected with its official 167
duties as though the prosecuting attorney were serving as the 168
legal advisor of the district. 169

(2) The board of directors of a joint district may 170
designate the prosecuting attorney of one of the counties 171

forming the district to serve as the legal advisor of the 172
district. When so designated, the prosecuting attorney shall 173
provide such services to the joint district as are required or 174
authorized to be provided to county boards under Chapter 309. of 175
the Revised Code. The board of directors may pay to that county 176
any amount agreed upon by the board of directors and the board 177
of county commissioners of that county to reimburse that county 178
for the cost properly allocable to the services of its 179
prosecuting attorney as the legal advisor of the joint district. 180
When that prosecuting attorney is so serving and the board 181
considers it to be necessary or appropriate, the board, on its 182
own initiative, may employ an attorney or other legal counsel to 183
represent or advise the board regarding a particular matter in 184
place of the prosecuting attorney. 185

Instead of designating the prosecuting attorney of one of 186
the counties forming the district to be the legal advisor of the 187
district, the board of directors may employ on an annual basis 188
an attorney or other legal counsel to serve as the district's 189
legal advisor. Notwithstanding the employment of an attorney or 190
other legal counsel as the district's legal advisor, the board 191
of directors may require written opinions or instructions from 192
the prosecuting attorney of any of the counties forming the 193
district in matters connected with the board's official duties, 194
and the prosecuting attorney shall provide the written opinion 195
or instructions as though the prosecuting attorney had been 196
designated to serve as the district's legal advisor under 197
division (E) (2) of this section. 198

(F) A board of county commissioners may issue bonds or 199
bond anticipation notes of the county to pay the cost of 200
preparing general and detailed plans and other data required for 201
the construction of solid waste facilities in connection with a 202

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 234
all solid wastes that are generated within the district at the 235
solid waste disposal facilities located within the district and 236
the director approves the application. The demonstration in the 237
application shall be based on projections contained in the plan 238
or amended plan of the district. The director shall establish 239
the form of the application. The approval or disapproval of such 240
an application by the director is an action that is appealable 241
under section 3745.04 of the Revised Code. 242

In addition, the director of environmental protection may 243
issue an order modifying a rule adopted under division (G) (1) of 244
this section to allow the disposal in the district of solid 245
wastes from another county or joint solid waste management 246
district if all of the following apply: 247

(a) The district in which the wastes were generated does 248
not have sufficient capacity to dispose of solid wastes 249
generated within it for six months following the date of the 250
director's order. 251

(b) No new solid waste facilities will begin operation 252
during those six months in the district in which the wastes were 253
generated and, despite good faith efforts to do so, it is 254
impossible to site new solid waste facilities within the 255
district because of its high population density. 256

(c) The district in which the wastes were generated has 257
made good faith efforts to negotiate with other districts to 258
incorporate its disposal needs within those districts' solid 259
waste management plans, including efforts to develop joint 260
facilities authorized under section 343.02 of the Revised Code, 261
and the efforts have been unsuccessful. 262

(d) The district in which the wastes were generated has 263
located a facility willing to accept the district's solid wastes 264
for disposal within the receiving district. 265

(e) The district in which the wastes were generated has 266
demonstrated to the director that the conditions specified in 267
divisions (G) (1) (a) to (d) of this section have been met. 268

(f) The director finds that the issuance of the order will 269
be consistent with the state solid waste management plan and 270
that receipt of the out-of-district wastes will not limit the 271
capacity of the receiving district to dispose of its in-district 272
wastes to less than eight years. 273

Any order issued under division (G) (1) of this section 274
shall not become final until thirty days after it has been 275
served upon the county or joint solid waste management district 276
that will receive the out-of-district wastes either by certified 277
mail or, if the director has record of an internet identifier of 278
record associated with the district, by ordinary mail and by 279
that internet identifier of record. 280

(2) Governing the maintenance, protection, and use of 281
solid waste collection or other solid waste facilities located 282
within its district. The rules adopted under division (G) (2) of 283
this section shall not establish design standards for solid 284
waste facilities and shall be consistent with the solid waste 285
provisions of Chapter 3734. of the Revised Code and the rules 286
adopted under those provisions. The rules adopted under division 287
(G) (2) of this section may prohibit any person, municipal 288
corporation, township, or other political subdivision from 289
constructing, enlarging, or modifying any solid waste facility 290
until general plans and specifications for the proposed 291
improvement have been submitted to and approved by the board of 292

county commissioners or board of directors as complying with the 293
solid waste management plan or amended plan of the district. The 294
construction of such a facility shall be done under the 295
supervision of the county sanitary engineer or, in the case of a 296
joint district, a county sanitary engineer designated by the 297
board of directors, and any person, municipal corporation, 298
township, or other political subdivision proposing or 299
constructing such improvements shall pay to the county or joint 300
district all expenses incurred by the board in connection 301
therewith. The sanitary engineer may enter upon any public or 302
private property for the purpose of making surveys or 303
examinations necessary for designing solid waste facilities or 304
for supervising the construction, enlargement, modification, or 305
operation of any such facilities. No person, municipal 306
corporation, township, or other political subdivision shall 307
forbid or interfere with the sanitary engineer or the sanitary 308
engineer's authorized assistants entering upon such property for 309
that purpose. If actual damage is done to property by the making 310
of the surveys and examinations, a board shall pay the 311
reasonable value of that damage to the owner of the property 312
damaged, and the cost shall be included in the financing of the 313
improvement for which the surveys and examinations are made. 314

(3) Governing the development and implementation of a 315
program for the inspection of solid wastes generated outside the 316
boundaries of this state that are disposed of at solid waste 317
facilities included in the district's solid waste management 318
plan or amended plan. A board of county commissioners or board 319
of directors or its authorized representative may enter upon the 320
premises of any solid waste facility included in the district's 321
solid waste management plan or amended plan for the purpose of 322
conducting the inspections required or authorized by the rules 323

adopted under division (G) (3) of this section. No person, 324
municipal corporation, township, or other political subdivision 325
shall forbid or interfere with a board of county commissioners 326
or directors or its authorized representative entering upon the 327
premises of any such solid waste facility for that purpose. 328

(4) Exempting the owner or operator of any existing or 329
proposed solid waste facility provided for in the plan or 330
amended plan from compliance with any amendment to a township 331
zoning resolution adopted under section 519.12 of the Revised 332
Code or to a county rural zoning resolution adopted under 333
section 303.12 of the Revised Code that rezoned or redistricted 334
the parcel or parcels upon which the facility is to be 335
constructed or modified and that became effective within two 336
years prior to the filing of an application for a permit 337
required under division (A) (2) (a) of section 3734.05 of the 338
Revised Code to open a new or modify an existing solid waste 339
facility. 340

(H) A board of county commissioners or board of directors 341
may enter into a contract with any person, municipal 342
corporation, township, or other political subdivision for the 343
operation and maintenance of any solid waste facilities 344
regardless of whether the facilities are owned or leased by the 345
county or joint district or the contractor. 346

(I) (1) No person, municipal corporation, township, or 347
other political subdivision shall tamper with or damage any 348
solid waste facility constructed under this chapter or any 349
apparatus or accessory connected therewith or pertaining 350
thereto, fail or refuse to comply with the applicable rules 351
adopted by a board of county commissioners or directors under 352
division (G) (1), (2), (3), or (4) of this section, refuse to 353

permit an inspection or examination by a sanitary engineer as 354
authorized under division (G) (2) of this section, or refuse to 355
permit an inspection by a board of county commissioners or 356
directors or its authorized representative as required or 357
authorized by rules adopted under division (G) (3) of this 358
section. 359

(2) If the board of county commissioners of a county 360
district or board of directors of a joint district has 361
established facility designations under section 343.013, 362
343.014, or 343.015 of the Revised Code, or the director has 363
established facility designations in the initial or amended plan 364
of the district prepared and ordered to be implemented under 365
section 3734.521, 3734.55, or 3734.56 of the Revised Code, no 366
person, municipal corporation, township, or other political 367
subdivision shall deliver, or cause the delivery of, any solid 368
wastes generated within a county or joint district to any solid 369
waste facility other than the facility designated under section 370
343.013, 343.014, or 343.015 of the Revised Code, or in the 371
initial or amended plan of the district prepared and ordered to 372
be implemented under section 3734.521, 3734.55, or 3734.56 of 373
the Revised Code, as applicable, except that source separated 374
recyclable materials may be taken to any legitimate recycling 375
facility. Upon the request of a person or the legislative 376
authority of a municipal corporation or township, the board of 377
county commissioners of a county district or board of directors 378
of a joint district may grant a waiver authorizing the delivery 379
of all or any portion of the solid wastes generated in a 380
municipal corporation or township to a solid waste facility 381
other than the facility designated under section 343.013, 382
343.014, or 343.015 of the Revised Code, or in the initial or 383
amended plan of the district prepared and ordered to be 384

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, 415
that is not combined in any way with garbage at one or more 416
premises owned by the generator. 417

(K) (1) A member of the board of county commissioners of a 418
county solid waste management district, member of the board of 419
directors of a joint solid waste management district, member of 420
the board of trustees of a regional solid waste management 421
authority managing a county or joint solid waste management 422
district, or officer or employee of any solid waste management 423
district, for the purposes of sections 102.03, 102.04, 2921.41, 424
and 2921.42 of the Revised Code, shall not be considered to be 425
directly or indirectly interested in, or improperly influenced 426
by, any of the following: 427

(a) A contract entered into under this chapter or section 428
307.15 or sections 3734.52 to 3734.575 of the Revised Code 429
between the district and any county forming the district, 430
municipal corporation or township located within the district, 431
or health district having territorial jurisdiction within the 432
district, of which that member, officer, or employee also is an 433
officer or employee, but only to the extent that any interest or 434
influence could arise from holding public office or employment 435
with the political subdivision or health district; 436

(b) A contract entered into under this chapter or section 437
307.15 or sections 3734.52 to 3734.575 of the Revised Code 438
between the district and a county planning commission organized 439
under section 713.22 of the Revised Code, or regional planning 440
commission created under section 713.21 of the Revised Code, 441
having territorial jurisdiction within the district, of which 442
that member also is a member, officer, or employee, but only to 443
the extent that any interest or influence could arise from 444

holding public office or employment with the commission; 445

(c) An expenditure of money made by the district for the 446
benefit of any county forming the district, municipal 447
corporation or township located within the district, or health 448
district or county or regional planning commission having 449
territorial jurisdiction within the district, of which that 450
member also is a member, officer, or employee, but only to the 451
extent that any interest or influence could arise from holding 452
public office or employment with the political subdivision, 453
health district, or commission; 454

(d) An expenditure of money made for the benefit of the 455
district by any county forming the district, municipal 456
corporation or township located within the district, or health 457
district or county or regional planning commission having 458
territorial jurisdiction within the district, of which that 459
member also is a member, officer, or employee, but only to the 460
extent that any interest or influence could arise from holding 461
public office or employment with the political subdivision, 462
health district, or commission. 463

(2) A solid waste management district, county, municipal 464
corporation, township, health district, or planning commission 465
described or referred to in divisions (K)(1)(a) to (d) of this 466
section shall not be construed to be the business associate of a 467
person who is concurrently a member of the board of county 468
commissioners, directors, or trustees, or an officer or 469
employee, of the district and an officer or employee of that 470
municipal corporation, county, township, health district, or 471
planning commission for the purposes of sections 102.03, 472
2921.42, and 2921.43 of the Revised Code. Any person who is 473
concurrently a member of the board of county commissioners, 474

directors, or trustees, or an officer or employee, of a solid 475
waste management district so described or referred to and an 476
officer or employee of a county, municipal corporation, 477
township, health district, or planning commission so described 478
or referred to may participate fully in deliberations concerning 479
and vote on or otherwise participate in the approval or 480
disapproval of any contract or expenditure of funds described in 481
those divisions as a member of the board of county commissioners 482
or directors, or an officer or employee, of a county or joint 483
solid waste management district; member of the board of 484
trustees, or an officer or employee, of a regional solid waste 485
management authority managing a county or joint solid waste 486
management district; member of the legislative authority, or an 487
officer or employee, of a county forming the district; member of 488
the legislative authority, or an officer or employee, of a 489
municipal corporation or township located within the district; 490
member of the board of health, or an officer or employee, of a 491
health district having territorial jurisdiction within the 492
district; or member of the planning commission, or an officer or 493
employee of a county or regional planning commission having 494
territorial jurisdiction within the district. 495

(3) Nothing in division (K) (1) or (2) of this section 496
shall be construed to exempt any member of the board of county 497
commissioners, directors, or trustees, or an officer or 498
employee, of a solid waste management district from a conflict 499
of interest arising because of a personal or private business 500
interest. 501

(4) A member of the board of county commissioners of a 502
county solid waste management district, board of directors of a 503
joint solid waste management district, or board of trustees of a 504
regional solid waste management authority managing a county or 505

joint solid waste management district, or an officer or 506
employee, of any such solid waste management district, neither 507
shall be disqualified from holding any other public office or 508
position of employment nor be required to forfeit any other 509
public office or position of employment by reason of serving as 510
a member of the board of county commissioners, directors, or 511
trustees, or as an officer or employee, of the district, 512
notwithstanding any requirement to the contrary under the common 513
law of this state or the Revised Code. 514

(L) As used in this chapter: 515

(1) "Board of health," "disposal," "health district," 516
"scrap tires," and "solid waste transfer facility" have the same 517
meanings as in section 3734.01 of the Revised Code. 518

(2) "Change in district composition" and "change" have the 519
same meaning as in section 3734.521 of the Revised Code. 520

(3) (a) Except as provided in division (L) (3) (b) or (c), 521
and (d), of this section, "solid wastes" has the same meaning as 522
in section 3734.01 of the Revised Code. 523

(b) If the solid waste management district is not one that 524
resulted from proceedings for a change in district composition 525
under sections 343.012 and 3734.521 of the Revised Code, until 526
such time as an amended solid waste management plan is approved 527
under section 3734.56 of the Revised Code, "solid wastes" need 528
not include scrap tires unless the solid waste management policy 529
committee established under section 3734.54 of the Revised Code 530
for the district chooses to include the management of scrap 531
tires in the district's initial solid waste management plan 532
prepared under sections 3734.54 and 3734.55 of the Revised Code. 533

(c) If the solid waste management district is one 534

resulting from proceedings for a change in district composition 535
under sections 343.012 and 3734.521 of the Revised Code and if 536
the change involves an existing district that is operating under 537
either an initial solid waste management plan approved or 538
prepared and ordered to be implemented under section 3734.55 of 539
the Revised Code or an initial or amended plan approved or 540
prepared and ordered to be implemented under section 3734.521 of 541
the Revised Code that does not provide for the management of 542
scrap tires and scrap tire facilities, until such time as the 543
amended plan of the district resulting from the change is 544
approved under section 3734.56 of the Revised Code, "solid 545
wastes" need not include scrap tires unless the solid waste 546
management policy committee established under division (C) of 547
section 3734.521 of the Revised Code for the district chooses to 548
include the management of scrap tires in the district's initial 549
or amended solid waste management plan prepared under section 550
3734.521 of the Revised Code in connection with the change 551
proceedings. 552

(d) If the policy committee chooses to include the 553
management of scrap tires in an initial plan prepared under 554
sections 3734.54 and 3734.55 of the Revised Code or in an 555
initial or amended plan prepared under section 3734.521 of the 556
Revised Code, the board of county commissioners or directors 557
shall execute all of the duties imposed and may exercise any or 558
all of the rights granted under this section for the purpose of 559
managing solid wastes that consist of scrap tires. 560

(4) (a) Except as provided in division (L) (4) (b) or (c), 561
and (d) of this section, "facility" has the same meaning as in 562
section 3734.01 of the Revised Code and also includes any solid 563
waste transfer, recycling, or resource recovery facility. 564

(b) If the solid waste management district is not one that 565
resulted from proceedings for a change in district composition 566
under sections 343.012 and 3734.521 of the Revised Code, until 567
such time as an amended solid waste management plan is approved 568
under section 3734.56 of the Revised Code, "facility" need not 569
include any scrap tire collection, storage, monocell, monofill, 570
or recovery facility unless the solid waste management policy 571
committee established under section 3734.54 of the Revised Code 572
for the district chooses to include the management of scrap tire 573
facilities in the district's initial solid waste management plan 574
prepared under sections 3734.54 and 3734.55 of the Revised Code. 575

(c) If the solid waste management district is one 576
resulting from proceedings for a change in district composition 577
under sections 343.012 and 3734.521 of the Revised Code and if 578
the change involves an existing district that is operating under 579
either an initial solid waste management plan approved under 580
section 3734.55 of the Revised Code or an initial or amended 581
plan approved or prepared and ordered to be implemented under 582
section 3734.521 of the Revised Code that does not provide for 583
the management of scrap tires and scrap tire facilities, until 584
such time as the amended plan of the district resulting from the 585
change is approved under section 3734.56 of the Revised Code, 586
"facility" need not include scrap tires unless the solid waste 587
management policy committee established under division (C) of 588
section 3734.521 of the Revised Code for the district chooses to 589
include the management of scrap tires in the district's initial 590
or amended solid waste management plan prepared under section 591
3734.521 of the Revised Code in connection with the change 592
proceedings. 593

(d) If the policy committee chooses to include the 594
management of scrap tires in an initial plan prepared under 595

sections 3734.54 and 3734.55 of the Revised Code or in an 596
initial or amended plan prepared under section 3734.521 of the 597
Revised Code, the board of county commissioners or directors 598
shall execute all of the duties imposed and may exercise any or 599
all of the rights granted under this section for the purpose of 600
managing solid waste facilities that are scrap tire collection, 601
storage, monocell, monofill, or recovery facilities. 602

(M) As used in this section: 603

(1) "Source separated recyclable materials" means 604
materials that are separated from other solid wastes at the 605
location where the materials are generated for the purpose of 606
recycling the materials at a legitimate recycling facility. 607

(2) "Legitimate recycling facility" has the same meaning 608
as in rule 3745-27-01 of the Administrative Code. 609

(3) "Internet identifier of record" has the same meaning 610
as in section 9.312 of the Revised Code. 611

Sec. 343.011. (A) The board of county commissioners of a 612
county or the board of directors of a joint solid waste 613
management district established under this chapter, upon its own 614
initiative or at the request of the legislative authority of any 615
municipal corporation or township located in the district, may 616
adopt a resolution proposing the formation of a regional solid 617
waste management authority for the purpose of executing all the 618
duties and responsibilities imposed on or granted to the board 619
under this chapter. Upon adoption of such a resolution, the 620
board shall send a copy of it to the legislative authority of 621
each municipal corporation and township located in the district 622
and shall request each legislative authority to vote on the 623
question of the formation of such a regional authority. 624

The board of county commissioners or board of directors 625
shall declare the proposal to have been adopted upon determining 626
that the legislative authorities of a combination of municipal 627
corporations and townships with a combined population within the 628
boundaries of the district comprising at least sixty per cent of 629
the total population of the district have approved the proposal, 630
provided that that combination shall include the municipal 631
corporation having the largest population in each county within 632
the boundaries of the district. Upon the adoption of the 633
proposal, the board of county commissioners or board of 634
directors shall enter into an agreement with the legislative 635
authorities of the municipal corporations and townships in the 636
district to form a regional solid waste management authority, 637
which agreement shall include, without limitation, procedures 638
for the appointment of a board of trustees of the authority to 639
be comprised of at least the president of the board of county 640
commissioners of each county in the district or ~~his~~ the 641
president's designee, the chief executive officer of the 642
municipal corporation having the largest population within the 643
boundaries of each county in the district or ~~his~~ the chief 644
executive officer's designee, a member representing the 645
townships within each county in the district chosen by a 646
majority of the boards of township trustees within each county, 647
the health commissioner of the health district having the 648
largest territorial jurisdiction within each county in the 649
district or ~~his~~ the health commissioner's designee, and one 650
member representing the public to be appointed by the other 651
members of the board. 652

The agreement forming the regional authority shall be 653
adopted in the same manner as the initial proposal to form the 654
regional authority. Not later than thirty days after the 655

adoption of the agreement, the board of trustees appointed under 656
it shall mail a copy of the agreement to the director of 657
environmental protection. 658

(B) Following the formation of a regional solid waste 659
management authority under division (A) of this section, all the 660
duties and responsibilities imposed on or granted to a board of 661
county commissioners or a board of directors under this chapter 662
shall be vested in and exercised by the board of trustees of the 663
regional authority. Those duties and responsibilities shall 664
include, without limitation, all of the following: 665

(1) Appointment of employees necessary to manage the 666
affairs of the district, including, without limitation, an 667
executive director, and a sanitary engineer or engineers to 668
execute the responsibilities assigned to the county sanitary 669
engineer under this chapter; 670

(2) Acquisition, construction, improvement, enlargement, 671
replacement, maintenance, and operation of solid waste 672
facilities within the district; 673

(3) Issuance of bonds and bond anticipation notes in 674
accordance with Chapter 133. of the Revised Code. 675

(C) In addition to the duties and responsibilities 676
identified in division (B) of this section and division (H) of 677
section 3734.54 of the Revised Code, the board of trustees of a 678
regional solid waste management authority may do any of the 679
following: 680

(1) Adopt bylaws for the regulation of its affairs and the 681
conduct of its business; 682

(2) Maintain an office within its county or joint solid 683
waste management district; 684

(3) Provide coverage for its employees under Chapters 685
145., 4123., and 4141. of the Revised Code and procure and pay 686
all or any part of the cost of group hospitalization, surgical, 687
major medical, and sickness and accident insurance and group 688
life insurance for its employees; 689

(4) Procure insurance against loss to the regional 690
authority by reason of damages to its properties resulting from 691
fire, theft, accident, or other casualties or by reason of its 692
liability for any damages to persons or property occurring in 693
the construction or operation of facilities under its 694
jurisdiction or the conduct of its activities; 695

(5) Procure a policy or policies insuring members of the 696
board of trustees against liability on account of damages or 697
injury to persons and property resulting from any act or 698
omission of a member in ~~his~~ the member's official capacity as a 699
member of the board or resulting solely out of ~~his~~ membership on 700
the board; 701

(6) Sue or be sued; 702

(7) Make contracts in the exercise of the rights, powers, 703
and duties conferred upon the regional authority; 704

(8) Do all acts necessary or proper to carry out the 705
duties and responsibilities imposed on or granted to the board 706
under this chapter and sections 3734.52 to 3734.575 of the 707
Revised Code. 708

(D) The board of trustees of a regional solid waste 709
management authority in a county solid waste management district 710
may designate the prosecuting attorney of the county to serve as 711
the legal advisor of the authority, and the board of trustees of 712
an authority in a joint district may designate the prosecuting 713

attorney of one of the counties forming the district to serve as 714
the legal advisor of the authority. The designated prosecuting 715
attorney shall provide such services to the authority as are 716
required or authorized to be provided to county boards under 717
Chapter 309. of the Revised Code. The board of trustees may pay 718
to the county whose prosecuting attorney is serving as the 719
authority's legal advisor any amount agreed upon by the board of 720
trustees and the board of county commissioners of that county to 721
reimburse that county for the cost properly allocable to the 722
services of its prosecuting attorney as the authority's legal 723
advisor. When a prosecuting attorney is so serving and the board 724
considers it to be necessary or appropriate, the board, on its 725
own initiative, may employ an attorney or other legal counsel to 726
advise the board regarding a particular matter in place of the 727
prosecuting attorney. 728

Instead of designating the prosecuting attorney of the 729
county or of one of the counties forming the district, as 730
appropriate, to be the legal advisor of the regional authority, 731
the board of trustees may employ on an annual basis an attorney 732
or other legal counsel to serve as the authority's legal 733
advisor. Notwithstanding the employment of an attorney or other 734
legal counsel on an annual basis as the authority's legal 735
advisor, the board of trustees may require written opinions or 736
instructions from the prosecuting attorney of the county or, in 737
the case of a joint district, any of the counties forming the 738
district in matters connected with the board's official duties, 739
and the prosecuting attorney shall provide the written opinion 740
or instructions as though ~~he~~ the prosecuting attorney had been 741
designated to serve as the authority's legal advisor under this 742
division. 743

(E) Within ninety days after October 29, 1993, one member 744

representing industrial, commercial, or institutional generators 745
of solid wastes within the district and one member representing 746
the general interests of citizens who shall have no conflict of 747
interest through affiliation with a waste management company or 748
with any entity that is a significant generator of solid wastes 749
shall be added to the board of trustees of a regional authority 750
formed in a county district. In the case of a regional authority 751
formed in a joint district, one member shall be added to the 752
board of trustees from each county that is a member of the joint 753
district to represent industrial, commercial, or institutional 754
generators of solid wastes within the county, and one member 755
shall be added to the board from each such county to represent 756
the general interests of citizens who shall have no conflict of 757
interest through affiliation with a waste management company or 758
with any entity that is a significant generator of solid wastes. 759
The members representing generators and the general interests of 760
citizens shall be added to the board of trustees without the 761
necessity for amending the agreement to form the regional 762
authority. They shall be appointed in the same manner as the 763
public member of the board is required to be appointed under 764
this section and shall serve for terms of the same length as the 765
other members, as provided in the agreement. 766

(F) As used in this chapter and in division (E) of section 767
3714.07 of the Revised Code, divisions (D) to (H) of section 768
3734.57 of the Revised Code, and sections 3734.571, 3734.572, 769
3734.573, 3734.574, and 3734.575 of the Revised Code, and as 770
used in Chapter 133. of the Revised Code for the purposes of 771
this chapter, any reference to a board of county commissioners 772
of a county or a board of directors of a joint solid waste 773
management district is deemed to include the board of trustees 774
of a regional solid waste management authority, and any 775

reference to the county sanitary engineer is deemed to include 776
any sanitary engineer employed by a regional authority. 777

Sec. 343.012. (A) As used in this section: 778

(1) "Change in district composition" and "change" have the 779
same meaning as in section 3734.521 of the Revised Code. 780

(2) "Deliver" has the same meaning as in division (G) (2) 781
of section 3734.55 of the Revised Code. 782

~~(B) The board of county commissioners of a county forming 783
a joint solid waste management district may initiate proceedings 784
to withdraw from the district by adopting a resolution 785
requesting to withdraw. Upon adopting the resolution, the board 786
shall deliver a copy of it to the board of directors of the 787
district. Upon receiving the resolution, the board of directors 788
shall deliver written notice of the proposed withdrawal to the 789
boards of county commissioners of the other counties forming the 790
district. Within sixty days after receiving the notice, the 791
other boards of county commissioners each shall adopt a 792
resolution approving or disapproving the proposed withdrawal and 793
deliver a copy of the resolution to the board of directors. If 794
any of the other boards of county commissioners adopts a 795
resolution of disapproval, the board of directors shall declare 796
the proposed withdrawal to be disapproved and shall deliver 797
written notice of the disapproval to the boards of county 798
commissioners of the affected counties. If all of the other 799
boards of county commissioners adopt a resolution approving the 800
proposed withdrawal, the board of directors shall declare the 801
withdrawal to be approved and shall deliver written notice of 802
the approval to the boards of county commissioners of the 803
affected counties. The board of directors shall determine 804
whether the withdrawal has been approved or disapproved and 805~~

~~deliver the required written notice of the approval or~~ 806
~~disapproval to the boards of county commissioners of the~~ 807
~~affected counties within thirty days after receiving the~~ 808
~~resolutions of approval or disapproval from those boards.~~ 809
~~Promptly after the approval of the withdrawal, proceedings shall~~ 810
~~be initiated in accordance with division (E) of section 3734.521~~ 811
~~of the Revised Code to effect the withdrawal.~~ 812

~~A withdrawal becomes final on the first day of January~~ 813
~~following the date on which the applicable conditions set forth~~ 814
~~in division (G) (1), (2), (3), or (4) of section 3734.521 of the~~ 815
~~Revised Code have been met in connection with the change in~~ 816
~~district composition that involves the withdrawal. On and after~~ 817
~~that first day of January, the withdrawing county ceases to be a~~ 818
~~part of the joint district, its members on the board of~~ 819
~~directors shall cease to be members of the board, and its power~~ 820
~~to levy a tax upon taxable property to support the district~~ 821
~~terminates, except that the county shall continue to levy and~~ 822
~~collect any taxes levied for the payment of indebtedness of the~~ 823
~~district as it was composed at the time the indebtedness was~~ 824
~~incurred. Upon the withdrawal of a county from a joint district,~~ 825
~~the board of directors shall ascertain, apportion, and order a~~ 826
~~division of the funds on hand, credits, and real and personal~~ 827
~~property of the district, either in money or in kind, on any~~ 828
~~equitable basis between the district and the withdrawing county~~ 829
~~consistent with the agreement to establish and maintain the~~ 830
~~district entered into and ratified under division (A) of section~~ 831
~~343.01 of the Revised Code and the prior contributions of the~~ 832
~~withdrawing county.~~ 833

~~If the withdrawal of one or more counties would leave only~~ 834
~~one county participating in a joint district, the board of~~ 835
~~directors shall ascertain, apportion, and order a final division~~ 836

~~of the funds on hand, credits, and real and personal property of~~ 837
~~the district. On and after the first day of January on which the~~ 838
~~latest withdrawal of a county from the district becomes final,~~ 839
~~the district shall be dissolved. When a joint district is~~ 840
~~dissolved and any indebtedness remains unpaid, the boards of~~ 841
~~county commissioners shall continue to levy and collect taxes~~ 842
~~for the payment of the indebtedness in support of the joint~~ 843
~~district in the amounts established by the agreement at the time~~ 844
~~the indebtedness was incurred.~~ 845

~~For the purposes of this division, "counties forming the~~ 846
~~joint district" include only the following:~~ 847

~~(1) The counties that are named as members of the joint~~ 848
~~district in the solid waste management plan or amended plan of~~ 849
~~the district approved or ordered to be implemented under section~~ 850
~~3734.521, 3734.55, or 3734.56 of the Revised Code in effect when~~ 851
~~the withdrawal proceeding was initiated and that have not~~ 852
~~previously initiated proceedings under division (B) of this~~ 853
~~section to withdraw from the joint district;~~ 854

~~(2) Any counties named as members of the joint district in~~ 855
~~that plan or amended plan that have initiated a withdrawal~~ 856
~~proceeding under division (B) of this section that has been~~ 857
~~declared to be disapproved under that division;~~ 858

~~(3) If joinder proceedings had previously been concluded~~ 859
~~under division (D) of this section since that plan or amended~~ 860
~~plan was approved or ordered to be implemented, any county whose~~ 861
~~joinder to the district was declared to be approved in those~~ 862
~~proceedings.~~ 863

~~(C) (B) (1)~~ The board of county commissioners of a county 864
seeking to establish a new joint district with the board of 865

county commissioners of one or more other counties may initiate 866
proceedings to do so by adopting a resolution proposing the 867
establishment of the joint district. Upon adopting the 868
resolution, the board shall deliver a copy of it to the boards 869
of county commissioners of the other counties to be included in 870
the proposed joint district. 871

(2) If the board proposing the establishment of a new 872
joint district also has initiated proceedings to withdraw from 873
an existing joint district under ~~division (B) of this section~~ 874
3734.522 of the Revised Code, the board shall not adopt a 875
resolution proposing the establishment until after the ~~proposed~~ 876
~~withdrawal has been declared to be approved memorandum of~~ 877
~~understanding has been executed in accordance with that section~~ 878
and, ~~upon adopting the resolution, shall deliver the board~~ 879
~~delivers a copy of the written notice declaring the withdrawal~~ 880
~~to be approved under that division memorandum of understanding~~ 881
to the other boards along with the copy of the resolution 882
proposing the establishment of the new district. 883

(3) Within sixty days after receiving the resolution 884
proposing the establishment of the new joint district and, if 885
applicable, a copy of the ~~notice of the approval of the~~ 886
~~withdrawal memorandum of understanding~~, each of the other boards 887
shall adopt a resolution approving or disapproving the proposed 888
establishment and deliver a copy of it to the board of county 889
commissioners proposing the establishment. However, if any of 890
the other boards also has ~~initiated entered into~~ withdrawal 891
proceedings under ~~division (B) of this section 3734.522 of the~~ 892
~~Revised Code, and if the withdrawal has been declared to be~~ 893
~~disapproved or has not yet been declared to be approved or~~ 894
~~disapproved under that division, that board need not adopt a~~ 895
~~resolution concerning the proposed establishment, but such board~~ 896

shall deliver to the board of county commissioners proposing the 897
establishment a copy of the ~~written notice of the disapproval~~ 898
~~or, if the withdrawal has not yet been declared to be approved~~ 899
~~or disapproved, written notice of that fact. If the withdrawal~~ 900
~~has been declared to be approved under division (B) of this~~ 901
~~section, the board shall deliver a copy of the written notice of~~ 902
~~the approval with the copy of its resolution approving or~~ 903
~~disapproving the proposed establishment~~executed memorandum of 904
understanding entered into under that section. If any of the 905
other boards adopts a resolution of disapproval, ~~or if any of~~ 906
~~the other boards initiated withdrawal proceedings under division~~ 907
~~(B) of this section and the withdrawal either has been declared~~ 908
~~to be disapproved under that division or has not yet been~~ 909
~~declared to be approved or disapproved under that division when~~ 910
~~the board of county commissioners so notified the board of~~ 911
~~county commissioners proposing the establishment,~~ the board of 912
county commissioners proposing the establishment shall declare 913
the proposed establishment to be disapproved and shall deliver 914
written notice of the disapproval to the other boards. If all of 915
the other boards adopt a resolution approving the establishment, 916
~~and, if any of the other boards initiated such withdrawal~~ 917
~~proceedings, the withdrawal already has been declared to be~~ 918
~~approved under that division when the board of county~~ 919
~~commissioners delivered the resolution approving the~~ 920
~~establishment to the board of county commissioners proposing the~~ 921
~~establishment,~~ the board that initiated the proceedings shall 922
declare the establishment to be approved and shall deliver 923
written notice of the approval to the other boards. The board of 924
county commissioners that initiated the proceedings shall 925
determine whether the establishment has been approved or 926
disapproved and deliver the required written notice of the 927
approval or disapproval to the other boards within thirty days 928

after receiving the resolutions of approval or disapproval from 929
the other boards or being otherwise notified by them in 930
accordance with this division. 931

(4) Promptly after the approval of the establishment, the 932
boards shall enter into and ratify an agreement to form the 933
joint district under division (A) of section 343.01 of the 934
Revised Code, and proceedings shall be initiated under section 935
3734.521 of the Revised Code to effect the establishment of the 936
joint district. The establishment of the joint district becomes 937
final when the applicable conditions set forth in division ~~(G)~~ 938
~~(1), (2), (3), or (4)~~ and, if appropriate, division ~~(H)~~ (E) of 939
section 3734.521 of the Revised Code have been met in connection 940
with the change in district composition that involves the 941
establishment. On the date that the establishment becomes final, 942
the boards of county commissioners of the counties establishing 943
the joint district collectively constitute the board of 944
directors of the joint district, except that if a county with a 945
legislative authority other than a board of county commissioners 946
participates in the joint district, it shall be represented on 947
the board of directors by three persons appointed by the 948
legislative authority of the county. 949

~~(D)~~ (C) (1) The board of county commissioners of a county 950
may initiate proceedings to join an existing joint district by 951
adopting a resolution requesting membership in the joint 952
district. Upon adoption of the resolution, the board shall 953
deliver a copy of it to the board of directors of the joint 954
district. 955

(2) If the board of county commissioners proposing the 956
joinder also has initiated proceedings to withdraw from an 957
existing joint district under ~~division (B) of this section~~ 958

3734.522 of the Revised Code, the board shall not adopt a 959
resolution proposing the joinder until after the ~~withdrawal has~~ 960
~~been declared to be approved under that division~~ memorandum of 961
understanding has been executed in accordance with that section 962
and, upon adopting the resolution, such board shall deliver a 963
copy of the ~~written notice declaring the withdrawal to be~~ 964
~~approved under that division~~ memorandum of understanding to the 965
board of directors of the joint district along with the 966
resolution proposing the joinder. Upon receiving the resolution 967
and, if applicable, a copy of the ~~notice of the approval of the~~ 968
~~withdrawal~~ memorandum of understanding, the board of directors 969
shall deliver notice of the proposed joinder to the boards of 970
county commissioners of the counties forming the existing joint 971
district. 972

(3) Within sixty days after receiving the notice of the 973
proposed joinder, each such board shall adopt a resolution 974
approving or disapproving the joinder and shall deliver a copy 975
of the resolution to the board of directors. If the board of 976
county commissioners of any of the counties forming the existing 977
joint district adopts a resolution of disapproval ~~or if any of~~ 978
~~the counties that are members of the existing joint district had~~ 979
~~initiated a withdrawal from it under division (B) of this~~ 980
~~section that had not yet been declared to be approved or~~ 981
~~disapproved under that division when the board of county~~ 982
~~commissioners delivered their resolutions approving or~~ 983
~~disapproving the joinder to the board of directors,~~ the board of 984
directors shall declare the proposed joinder to be disapproved 985
and shall deliver written notice of the disapproval to the 986
affected boards of county commissioners. If the board of county 987
commissioners of each county forming the existing joint district 988
adopts a resolution approving the proposed joinder ~~and, if any~~ 989

~~of the counties that are members of the existing joint district~~ 990
~~has initiated a withdrawal from it under division (B) of this~~ 991
~~section, the withdrawal has been declared to be approved or~~ 992
~~disapproved under that division,~~ the board of directors shall 993
declare the joinder to be approved and shall deliver written 994
notice of the approval to the affected boards of county 995
commissioners. The board of directors shall determine whether 996
the joinder has been approved or disapproved and deliver the 997
required written notice of the approval or disapproval to the 998
boards of county commissioners of the affected counties within 999
thirty days after receiving the resolutions of approval or 1000
disapproval from the boards of county commissioners of the 1001
counties forming the existing joint district. 1002

(4) Promptly after the approval of the joinder, the 1003
affected boards shall enter into and ratify an agreement under 1004
division (A) of section 343.01 of the Revised Code to join the 1005
county to the joint district, and proceedings shall be initiated 1006
in accordance with section 3734.521 of the Revised Code to 1007
effect the joinder. The joinder becomes final when the 1008
applicable conditions set forth in division ~~(G) (1), (2), (3), or~~ 1009
~~(4) and, if appropriate, division (H) (E)~~ of section 3734.521 of 1010
the Revised Code have been met in connection with the change in 1011
district composition that involves the joinder. When the joinder 1012
becomes final, the board of county commissioners of the joining 1013
county or three members appointed by its legislative authority, 1014
if other than a board of county commissioners, shall be added to 1015
the board of directors of the joint district. If one or more 1016
counties withdrew from the existing joint district in connection 1017
with the change that involved the joinder, the members of the 1018
board of directors of the existing joint district from the 1019
counties that withdrew shall cease to serve as members of the 1020

board of directors on the date that the change becomes final. 1021

(5) For the purposes of ~~this~~ division (C) of this section, 1022
"counties forming the existing joint district" include only the 1023
following: 1024

~~(1)~~ (a) The counties that are named as members of the joint 1025
district in the solid waste management plan or amended plan of 1026
the district approved or ordered to be implemented under section 1027
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 1028
the joinder proceeding was initiated and that have not initiated 1029
proceedings to withdraw from the joint district under ~~division-~~ 1030
~~(B) of this section 3734.522 of the Revised Code;~~ 1031

~~(2) Any counties named as members of the joint district in~~ 1032
~~that plan or amended plan that have initiated a withdrawal under~~ 1033
~~division (B) of this section that has been declared to be~~ 1034
~~disapproved under that division;~~ 1035

~~(3)~~ (b) If joinder proceedings had previously been 1036
concluded under this division since that plan or amended plan 1037
was approved or ordered to be implemented, any county whose 1038
joinder to the district was declared to be approved in those 1039
proceedings. 1040

~~(E)~~ (D) (1) As used in this division: 1041

(a) "Initiating joint district" means the joint district 1042
that initiates proceedings for the union of the district with 1043
another joint district. 1044

(b) "Joining joint district" means the joint district that 1045
is requested by an initiating joint district to become one joint 1046
district in union. 1047

(c) "Counties forming the existing joint districts" 1048

includes only the following:

(i) The counties that are named as members of one of the
joint districts affected by the proposed union in the solid
waste management plan or amended plan of the appropriate
district approved or ordered to be implemented under section
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when
the union proceeding was initiated and that have not initiated
proceedings under section 3734.522 of the Revised Code;

(ii) If joinder proceedings previously had been concluded
under this section to join a county to an existing joint
district affected by the proposed union, any county whose
joinder to the existing joint district was declared to be
approved in that proceeding.

(2) The board of directors of a joint district may
initiate proceedings for the union of the district with another
joint district by adopting a resolution requesting the union.

(3) If the initiating joint district ~~whose board of~~
~~directors is requesting the union~~ is affected by a withdrawal
proceeding initiated under ~~division (B) of this section~~ 3734.522
of the Revised Code, the board of directors of the initiating
joint district shall not adopt a resolution requesting the union
until after it ~~has declared the proposed withdrawal to be~~
~~approved or disapproved under division (B) of this~~ the
memorandum of understanding has been executed in accordance with
that section. Upon adoption of the resolution, the board shall
deliver a copy of it to the board of directors of the joining
joint district ~~with which the union is proposed~~. Within thirty
days after receiving the resolution, the board of directors of
the ~~other~~ joining joint district shall deliver written notice to
the initiating joint district's board of directors ~~requesting~~

~~the union~~ as to whether the ~~other~~ joining joint district is 1079
affected by a withdrawal proceeding ~~initiated under division (B)~~ 1080
~~of this section 3734.522 of the Revised Code.~~ If the ~~other~~ 1081
joining joint district is so affected, its board of directors 1082
shall deliver with the notice a copy of the ~~resolution proposing~~ 1083
~~the withdrawal and a copy of the written notice declaring the~~ 1084
~~withdrawal to be approved or disapproved under division (B) of~~ 1085
~~this section or, if the withdrawal has not yet been declared to~~ 1086
~~be approved or disapproved, written notice of that~~ 1087
~~fact~~ memorandum of understanding executed in accordance with that 1088
section. If the board of directors of the ~~other district~~ 1089
~~declares such a withdrawal to be approved or disapproved within~~ 1090
~~sixty days after the board of directors that requested the union~~ 1091
~~delivered copies of the resolution requesting the union to the~~ 1092
~~boards of county commissioners of the counties forming the~~ 1093
~~existing joint districts, the board of directors of the other~~ 1094
~~district shall deliver written notice of the approval or~~ 1095
~~disapproval of the withdrawal to the board of directors that~~ 1096
~~requested the union.~~ 1097

(4) Within thirty days after receiving from the board of 1098
directors of the ~~other~~ joining joint district the written notice 1099
as to whether that district is affected by a withdrawal 1100
proceeding, the initiating joint district's board of directors 1101
~~requesting the union~~ shall deliver a copy of the resolution 1102
requesting the union to the boards of county commissioners of 1103
the counties forming the existing joint districts. Within sixty 1104
days after receiving the resolution, each such board of county 1105
commissioners shall adopt a resolution approving or disapproving 1106
the union and deliver a copy of it to the initiating joint 1107
district's board of directors ~~that requested the union.~~ If the 1108
board of county commissioners of any of the counties forming the 1109

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

(5) Promptly after the approval of the union, the boards 1138
of county commissioners of the affected counties shall enter 1139
into and ratify an agreement under division (A) of section 1140

343.01 of the Revised Code to unite the districts, and 1141
proceedings shall be initiated in accordance with section 1142
3734.521 of the Revised Code to effect the union. The union 1143
becomes final when the applicable conditions set forth in 1144
division (G)(1), (2), (3), or (4) and, if appropriate, division 1145
~~(H)~~ (E) of section 3734.521 of the Revised Code have been met in 1146
connection with the change in district composition that involves 1147
the union. On the date that the union becomes final, the boards 1148
of directors of the former joint districts collectively 1149
constitute the board of directors of the united district, except 1150
that if one or more counties were joined to any of the existing 1151
joint districts in connection with the change in district 1152
composition that involved the union, the board of county 1153
commissioners or three members appointed by its legislative 1154
authority, if other than a board of county commissioners, shall 1155
be added to the board of directors of the united district, and 1156
except that if one or more counties withdrew from any of the 1157
existing joint districts in connection with the change in 1158
district composition that involved the union, the board of 1159
directors shall not include members from the counties that 1160
withdrew from the former joint districts. 1161

~~For the purposes of this division, "counties forming the~~ 1162
~~existing joint districts" includes only the following:~~ 1163

~~(1) The counties that are named as members of one of the~~ 1164
~~joint districts affected by the proposed union in the solid~~ 1165
~~waste management plan or amended plan of the appropriate~~ 1166
~~district approved or ordered to be implemented under section~~ 1167
~~3734.521, 3734.55, or 3734.56 of the Revised Code in effect when~~ 1168
~~the union proceeding was initiated and that have not initiated~~ 1169
~~proceedings under division (B) of this section to withdraw from~~ 1170
~~the joint districts of which they were members on that date;~~ 1171

~~(2) Any county named as a member of a joint district~~ 1172
~~affected by the proposed union in any such plan or amended plan~~ 1173
~~that has initiated a withdrawal under division (B) of this~~ 1174
~~section that has been declared to be disapproved under that~~ 1175
~~division;~~ 1176

~~(3) If joinder proceedings previously had been concluded~~ 1177
~~under division (D) of this section to join a county to an~~ 1178
~~existing joint district affected by the proposed union, any~~ 1179
~~county whose joinder to the existing joint district was declared~~ 1180
~~to be approved in that proceeding.~~ 1181

Sec. 343.022. (A) The board of county commissioners of a 1182
county solid waste management district or the board of directors 1183
of a joint solid waste management district may enter into a 1184
contract or agreement with the owner or operator of a solid 1185
waste facility, or with persons collecting or transporting solid 1186
wastes, to establish and collect on behalf of the district 1187
generation or disposal fees to be used by the district for the 1188
purposes set forth in ~~divisions (C) (1) to (10)~~ division (G) of 1189
section 3734.57 of the Revised Code or to provide other 1190
remuneration or services to or on behalf of the district or its 1191
residents. 1192

(B) The authority provided by division (A) of this section 1193
is cumulative and concurrent with the authority of the board of 1194
county commissioners or directors to enter into contracts or 1195
agreements under other sections of this chapter. The existence 1196
or exercise of one such authority does not prevent the exercise 1197
of the other. 1198

(C) The authority provided by division (A) of this section 1199
pertaining to disposal or generation fees is cumulative and 1200
concurrent with the authority of the board of county 1201

commissioners or directors to levy disposal or generation fees 1202
under section 3734.57, 3734.571, 3734.572, 3734.573, or 3734.574 1203
of the Revised Code. The exercise of the authority provided in 1204
any of those sections does not prevent the exercise of the 1205
authority provided by division (A) of this section, and the 1206
authority provided by division (A) of this section does not 1207
prevent the exercise of the authority provided in any of those 1208
sections. 1209

Sec. 343.08. (A) The board of county commissioners of a 1210
county solid waste management district and the board of 1211
directors of a joint solid waste management district may fix 1212
reasonable rates or charges to be paid by every person, 1213
municipal corporation, township, or other political subdivision 1214
that owns premises to which solid waste collection, storage, 1215
transfer, disposal, recycling, processing, or resource recovery 1216
service is provided by the district and may change the rates or 1217
charges whenever it considers it advisable. Charges for 1218
collection, storage, transfer, disposal, recycling, processing, 1219
or resource recovery service shall be made only against lots or 1220
parcels that are improved, or in the process of being improved, 1221
with at least one permanent, portable, or temporary building. 1222
The rates or charges may be collected by either of the following 1223
means: 1224

(1) Periodic billings made by the district directly or in 1225
conjunction with billings for public utility rates or charges by 1226
a county water district established under section 6103.02 of the 1227
Revised Code, a county sewer district established under section 1228
6117.02 of the Revised Code, or a municipal corporation or other 1229
political subdivision authorized by law to provide public 1230
utility service. When any such charges that are so billed are 1231
not paid, the board shall certify them to the county auditor of 1232

the county where the lots or parcels are located, who shall 1233
place them upon the real property duplicate against the property 1234
served by the collection, storage, transfer, disposal, 1235
recycling, processing, or resource recovery service. The charges 1236
shall be a lien on the property from the date they are placed 1237
upon the real property duplicate by the auditor and shall be 1238
collected in the same manner as other taxes. 1239

(2) Certifying the rates or charges to the county auditor 1240
of the county where the lots or parcels are located, who shall 1241
place them on the real property duplicate against the lots or 1242
parcels. The rates or charges are a lien on the property from 1243
the date they are placed upon the real property duplicate by the 1244
auditor and shall be collected in the same manner as other 1245
taxes. 1246

The county or joint district need not fix a rate or charge 1247
against property if the district does not operate a collection 1248
system. 1249

Where a county or joint district owns or operates a solid 1250
waste facility, either without a collection system or in 1251
conjunction therewith, the board of county commissioners or 1252
board of directors may fix reasonable rates or charges for the 1253
use of the facility by persons, municipal corporations, 1254
townships, and other political subdivisions, may contract with 1255
any public authority or person for the collection of solid 1256
wastes in any part of any district for collection, storage, 1257
disposal, transfer, recycling, processing, or resource recovery 1258
in any solid waste facility, or may lease the facility to any 1259
public authority or person. The cost of collection, storage, 1260
transfer, disposal, recycling, processing, or resource recovery 1261
under such contracts may be paid by rates or charges fixed and 1262

collected under this section or by rates and charges fixed under 1263
those contracts and collected by the contractors. 1264

All moneys collected by or on behalf of a county or joint 1265
district as rates or charges for solid waste collection, 1266
storage, transfer, disposal, recycling, processing, or resource 1267
recovery service in any district shall be paid to the county 1268
treasurer in a county district or to the county treasurer or 1269
other official designated by the board of directors in a joint 1270
district and kept in a separate and distinct fund to the credit 1271
of the district. The fund shall be used for the payment of the 1272
cost of the management, maintenance, and operation of the solid 1273
waste collection or other solid waste facilities of the district 1274
and, if applicable, the payment of the cost of collecting the 1275
rates or charges of the district pursuant to division (A) (1) or 1276
(2) of this section. Prior to the approval of the district's 1277
initial solid waste management plan under section 3734.55 of the 1278
Revised Code or the issuance of an order under that section 1279
requiring the district to implement an initial plan prepared by 1280
the director, as appropriate, the fund also may be used for the 1281
purposes of division (G) (1) or (3) of section 3734.57 of the 1282
Revised Code. On and after the approval of the district's 1283
initial plan under section 3734.521 or 3734.55 of the Revised 1284
Code or the issuance of an order under either of those sections, 1285
as appropriate, requiring the district to implement an initial 1286
plan prepared by the director, the fund also may be used for all 1287
of the purposes of divisions (C) (1) to (10) specified in division 1288
(G) of section 3734.57 of the Revised Code. Those uses may 1289
include, in accordance with a cost allocation plan adopted under 1290
division (B) of this section, the payment of all allowable 1291
direct and indirect costs of the district, the sanitary engineer 1292
or sanitary engineering department, or a federal or state grant 1293

program, incurred for the purposes of this chapter and sections 1294
3734.52 to 3734.572 of the Revised Code. Any surplus remaining 1295
after those uses of the fund may be used for the enlargement, 1296
modification, or replacement of such facilities and for the 1297
payment of the interest and principal on bonds and bond 1298
anticipation notes issued pursuant to section 343.07 of the 1299
Revised Code. In no case shall money so collected be expended 1300
otherwise than for the use and benefit of the district. 1301

A board of county commissioners or directors, instead of 1302
operating and maintaining solid waste collection or other solid 1303
waste facilities of the district with county or joint district 1304
personnel, may enter into a contract with a municipal 1305
corporation having territory within the district pursuant to 1306
which the operation and maintenance of the facilities will be 1307
performed by the municipal corporation. 1308

The products of any solid waste collection or other solid 1309
waste facility owned under this chapter shall be sold through 1310
competitive bidding in accordance with section 307.12 of the 1311
Revised Code, except when a board of county commissioners or 1312
directors determines by resolution that it is in the public 1313
interest to sell those products in a commercially reasonable 1314
manner without competitive bidding. 1315

(B) A board of county commissioners or directors may adopt 1316
a cost allocation plan that identifies, accumulates, and 1317
distributes allowable direct and indirect costs that may be paid 1318
from the fund of the district created in division (A) of this 1319
section and prescribes methods for allocating those costs. The 1320
plan shall authorize payment from the fund for only those costs 1321
incurred by the district, the sanitary engineer or sanitary 1322
engineering department, or a federal or state grant program, and 1323

those costs incurred by the general and other funds of the 1324
county for a common or joint purpose, that are necessary and 1325
reasonable for the proper and efficient administration of the 1326
district under this chapter and sections 3734.52 to 3734.572 of 1327
the Revised Code. The plan shall not authorize payment from the 1328
fund of any general government expense required to carry out the 1329
overall governmental responsibilities of a county. The plan 1330
shall conform to United States office of management and budget 1331
Circular A-87 "Cost Principles for State and Local Governments," 1332
published January 15, 1983. 1333

(C) A board of county commissioners or directors shall fix 1334
rates or charges, or enter into contracts fixing the rates or 1335
charges to be collected by the contractor, for solid waste 1336
collection, storage, transfer, disposal, recycling, processing, 1337
or resource recovery services at a public meeting held in 1338
accordance with section 121.22 of the Revised Code. In addition 1339
to fulfilling the requirements of section 121.22 of the Revised 1340
Code, the board, before fixing or changing rates or charges for 1341
solid waste collection, storage, transfer, disposal, recycling, 1342
processing, or resource recovery services, or before entering 1343
into a contract that fixes rates or charges to be collected by 1344
the contractor providing the services, shall hold at least three 1345
public hearings on the proposed rates, charges, or contract. 1346
Prior to the first public hearing, the board shall publish 1347
notice of the public hearings as provided in section 7.16 of the 1348
Revised Code or once a week for three consecutive weeks in a 1349
newspaper of general circulation in the county or counties that 1350
would be affected by the proposed rates, charges, or contract. 1351
The notice shall include a listing of the proposed rates or 1352
charges to be fixed and collected by the board or fixed pursuant 1353
to the contract and collected by the contractor, and the dates, 1354

time, and place of each of the three hearings thereon. The board 1355
shall hear any person who wishes to testify on the proposed 1356
rates, charges, or contract. 1357

Sec. 3714.07. (A) (1) For the purpose of assisting boards 1358
of health and the environmental protection agency in 1359
administering and enforcing this chapter and rules adopted under 1360
it, there is hereby levied a fee of thirty cents per cubic yard 1361
or sixty cents per ton, as applicable, on both of the following: 1362

(a) The disposal of construction and demolition debris at 1363
a construction and demolition debris facility that is licensed 1364
under this chapter or at a solid waste facility that is licensed 1365
under Chapter 3734. of the Revised Code; 1366

(b) The disposal of asbestos or asbestos-containing 1367
materials or products at a construction and demolition debris 1368
facility that is licensed under this chapter or at a solid waste 1369
facility that is licensed under Chapter 3734. of the Revised 1370
Code. 1371

(2) The owner or operator of a construction and demolition 1372
debris facility or a solid waste facility shall determine if 1373
cubic yards or tons will be used as the unit of measurement. If 1374
basing the fee on cubic yards, the owner or operator shall 1375
utilize either the maximum cubic yard capacity of the container, 1376
or the hauling volume of the vehicle, that transports the 1377
construction and demolition debris to the facility or the cubic 1378
yards actually logged for disposal by the owner or operator in 1379
accordance with rules adopted under section 3714.02 of the 1380
Revised Code. If basing the fee on tonnage, the owner or 1381
operator shall use certified scales to determine the tonnage of 1382
construction and demolition debris that is disposed of. 1383

(3) The owner or operator of a construction and demolition debris facility or a solid waste facility shall calculate the amount of money generated from the fee levied under division (A) (1) of this section and shall hold that amount as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris and asbestos or asbestos-containing materials or products disposed of at the facility and the total amount of money generated during that month from the fee levied under division (A) (1) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the amount of money calculated under division (A) (3) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.

(4) Of the money that is submitted by a construction and demolition debris facility or a solid waste facility on a per

cubic yard or per ton basis under this section, a board of 1415
health shall transmit three cents per cubic yard or six cents 1416
per ton, as applicable, to the director not later than forty- 1417
five days after the receipt of the money. The money retained by 1418
a board of health under this section shall be paid into a 1419
special fund, which is hereby created in each health district, 1420
and used solely for the following purposes: 1421

(a) To administer and enforce this chapter and Chapter 1422
3734. of the Revised Code and rules adopted under them; 1423

(b) To abate abandoned accumulations of construction and 1424
demolition debris as provided in section 3714.074 of the Revised 1425
Code; 1426

(c) To mitigate any impacts to public health, safety, and 1427
welfare of any construction and demolition debris facility and 1428
solid waste disposal or transfer facility within the health 1429
district, including ensuring appropriate inspection of any such 1430
facility to prevent any negative public health, safety, and 1431
welfare impact. 1432

The director shall transmit all money received under this 1433
section to the treasurer of state to be deposited in the state 1434
treasury to the credit of the waste management fund created in 1435
section 3734.061 of the Revised Code. 1436

(B) The board of health of a health district or the 1437
director may enter into an agreement with the owner or operator 1438
of a construction and demolition debris facility or a solid 1439
waste facility for the quarterly payment of money generated from 1440
the disposal fee as calculated in division (A) (3) of this 1441
section. The board of health shall notify the director of any 1442
such agreement. Not later than forty-five days after receipt of 1443

the quarterly payment, the board of health shall transmit the 1444
amount established in division (A) (4) of this section to the 1445
director. The money retained by the board of health shall be 1446
deposited in the special fund of the district as required under 1447
that division. Upon receipt of the money from a board of health, 1448
the director shall transmit the money to the treasurer of state 1449
to be credited to the waste management fund. 1450

(C) If a construction and demolition debris facility or a 1451
solid waste facility is located within the territorial 1452
boundaries of a municipal corporation or the unincorporated area 1453
of a township, the municipal corporation or township may 1454
appropriate up to four cents per cubic yard or up to eight cents 1455
per ton of the disposal fee required to be paid by the facility 1456
under division (A) (1) of this section for the same purposes that 1457
a municipal corporation or township may levy a fee under 1458
division (C) of section 3734.57 of the Revised Code. 1459

The legislative authority of the municipal corporation or 1460
township may appropriate the money from the fee by enacting an 1461
ordinance or adopting a resolution establishing the amount of 1462
the fee to be appropriated. Upon doing so, the legislative 1463
authority shall mail a certified copy of the ordinance or 1464
resolution to the board of health of the health district in 1465
which the construction and demolition debris facility or the 1466
solid waste facility is located or, if the facility is located 1467
in a health district that is not on the approved list under 1468
section 3714.09 of the Revised Code, to the director. Upon 1469
receipt of the copy of the ordinance or resolution and not later 1470
than forty-five days after receipt of money generated from the 1471
fee, the board or the director, as applicable, shall transmit to 1472
the treasurer or other appropriate officer of the municipal 1473
corporation or clerk of the township that portion of the money 1474

generated from the disposal fee by the owner or operator of the 1475
facility that is required by the ordinance or resolution to be 1476
paid to that municipal corporation or township. 1477

Money received by the treasurer or other appropriate 1478
officer of a municipal corporation under this division shall be 1479
paid into the general fund of the municipal corporation. Money 1480
received by the clerk of a township under this division shall be 1481
paid into the general fund of the township. The treasurer or 1482
other officer of the municipal corporation or the clerk of the 1483
township, as appropriate, shall maintain separate records of the 1484
money received under this division. 1485

The legislative authority of a municipal corporation or 1486
township may cease appropriating money under this division by 1487
repealing the ordinance or resolution that was enacted or 1488
adopted under this division. 1489

The director shall adopt rules in accordance with Chapter 1490
119. of the Revised Code establishing requirements for prorating 1491
the amount of the fee that may be appropriated under this 1492
division by a municipal corporation or township in which only a 1493
portion of a construction and demolition debris facility is 1494
located within the territorial boundaries of the municipal 1495
corporation or township. 1496

(D) The board of county commissioners of a county in which 1497
a construction and demolition debris facility or a solid waste 1498
facility is located may appropriate up to three cents per cubic 1499
yard or up to six cents per ton of the disposal fee required to 1500
be paid by the facility under division (A)(1) of this section 1501
for the same purposes that a solid waste management district may 1502
levy a fee under division (B) of section 3734.57 of the Revised 1503
Code. 1504

The board of county commissioners may appropriate the 1505
money from the fee by adopting a resolution establishing the 1506
amount of the fee to be appropriated. Upon doing so, the board 1507
of county commissioners shall mail a certified copy of the 1508
resolution to the board of health of the health district in 1509
which the construction and demolition debris facility or the 1510
solid waste facility is located or, if the facility is located 1511
in a health district that is not on the approved list under 1512
section 3714.09 of the Revised Code, to the director. Upon 1513
receipt of the copy of the resolution and not later than forty- 1514
five days after receipt of money generated from the fee, the 1515
board of health or the director, as applicable, shall transmit 1516
to the treasurer of the county that portion of the money 1517
generated from the disposal fee by the owner or operator of the 1518
facility that is required by the resolution to be paid to that 1519
county. 1520

Money received by a county treasurer under this division 1521
shall be paid into the general fund of the county. The county 1522
treasurer shall maintain separate records of the money received 1523
under this division. 1524

A board of county commissioners may cease appropriating 1525
money under this division by repealing the resolution that was 1526
adopted under this division. 1527

~~(E) (1) This section does not apply to the disposal of 1528
construction and demolition debris at a solid waste facility- 1529
that is licensed under Chapter 3734. of the Revised Code if- 1530
there is no construction and demolition debris facility licensed 1531
under this chapter within thirty-five miles of the solid waste- 1532
facility as determined by a facility's property boundaries. 1533~~

~~(2) This section does not apply to the disposal of 1534~~

~~construction and demolition debris at a solid waste facility~~ 1535
~~that is licensed under Chapter 3734. of the Revised Code if the~~ 1536
~~owner or operator of the facility chooses to collect fees on the~~ 1537
~~disposal of the construction and demolition debris and asbestos~~ 1538
~~or asbestos-containing materials or products that are identical~~ 1539
~~to the fees that are collected under Chapters 343. and 3734. of~~ 1540
~~the Revised Code on the disposal of solid wastes at that~~ 1541
~~facility.~~ 1542

(3)(E) The solid waste management policy committee of a 1543
county or joint solid waste management district may levy fees 1544
upon the following activities: 1545

(1) The disposal of construction and demolition debris and 1546
asbestos or asbestos-containing materials or products generated 1547
within the jurisdiction of the district at construction and 1548
demolition debris facilities and solid waste disposal facilities 1549
located within the district's jurisdiction; 1550

(2) The disposal of construction and demolition debris and 1551
asbestos or asbestos-containing materials or products generated 1552
outside of the jurisdiction of the district, but inside this 1553
state, at construction and demolition debris facilities and 1554
solid waste disposal facilities located within the district's 1555
jurisdiction; 1556

(3) The disposal of construction and demolition debris and 1557
asbestos or asbestos-containing materials or products generated 1558
outside the boundaries of this state at construction and 1559
demolition debris facilities and solid waste disposal facilities 1560
located within the jurisdiction of the district. 1561

The fee levied under division (E) (1) of this section shall 1562
be not less than one dollar per ton nor more than two dollars 1563

per ton, the fee levied under division (E) (2) of this section 1564
shall be not less than two dollars per ton nor more than four 1565
dollars per ton, and the fee levied under division (E) (3) of 1566
this section shall be not more than the fee levied under 1567
division (E) (1) of this section. 1568

The district shall establish, amend, or repeal the 1569
schedule of fees levied pursuant to this division in the same 1570
manner that applies to fees levied under division (B) of section 1571
3734.57 of the Revised Code. All procedural requirements 1572
governing the administration and collection of solid waste fees 1573
levied under divisions (A) and (B) of that section apply to the 1574
administration and collection of the construction and demolition 1575
debris fees levied under this division and collected by an owner 1576
or operator of a solid waste facility or construction and 1577
demolition debris facility. Such procedural requirements include 1578
requirements governing fee collection and accounting, filing of 1579
returns, extensions on returns, discounts, refunds or credits, 1580
the conversion rate for fee collection in cubic yards, notices, 1581
and district composition changes. Any notices required to be 1582
made pursuant to those procedural requirements to the owner or 1583
operator of a solid waste facility also shall be provided to the 1584
owner or operator of a construction and demolition debris 1585
facility for purposes of this division, when applicable. 1586

The solid waste management district shall forward money 1587
received from an owner or operator of a facility under this 1588
division to the health district in which the facility is 1589
located, which shall deposit it into the special fund 1590
established under division (A) (4) of this section to be used 1591
solely for the purposes specified in that division. However, a 1592
solid waste management district shall not levy fees under this 1593
division with respect to a construction and demolition debris 1594

facility or solid waste facility that is located in a health 1595
district that is not on the approved list under section 3714.09 1596
of the Revised Code. 1597

(F) This section does not apply to the disposal of source 1598
separated materials that are exclusively composed of reinforced 1599
or nonreinforced concrete, asphalt, clay tile, building or 1600
paving brick, or building or paving stone at a construction and 1601
demolition debris facility that is licensed under this chapter 1602
when either of the following applies: 1603

~~(a)~~(1) The materials are placed within the limits of 1604
construction and demolition debris placement at the facility as 1605
specified in the license issued to the facility under section 1606
3714.06 of the Revised Code, are not placed within the unloading 1607
zone of the facility, and are used as a fire prevention measure 1608
in accordance with rules adopted by the director under section 1609
3714.02 of the Revised Code. 1610

~~(b)~~(2) The materials are not placed within the unloading 1611
zone of the facility or within the limits of construction and 1612
demolition debris placement at the facility as specified in the 1613
license issued to the facility under section 3714.06 of the 1614
Revised Code, but are used as fill material, either alone or in 1615
conjunction with clean soil, sand, gravel, or other clean 1616
aggregates, in legitimate fill operations for construction 1617
purposes at the facility or to bring the facility up to a 1618
consistent grade. 1619

Sec. 3714.073. (A) In addition to the fee levied under 1620
division (A) (1) of section 3714.07 of the Revised Code, 1621
beginning July 1, 2005, there is hereby levied on the disposal 1622
of construction and demolition debris at a construction and 1623
demolition debris facility that is licensed under this chapter 1624

or at a solid waste facility that is licensed under Chapter 1625
3734. of the Revised Code and on the disposal of asbestos or 1626
asbestos-containing materials or products at a construction and 1627
demolition debris facility that is licensed under this chapter 1628
or at a solid waste facility that is licensed under Chapter 1629
3734. of the Revised Code the following fees: 1630

(1) A fee of twelve and one-half cents per cubic yard or 1631
twenty-five cents per ton, as applicable, the proceeds of which 1632
shall be deposited in the state treasury to the credit of the 1633
soil and water conservation district assistance fund created in 1634
section 940.15 of the Revised Code; 1635

(2) A fee of thirty-five cents per cubic yard or seventy 1636
cents per ton, as applicable, the proceeds of which shall be 1637
deposited in the state treasury to the credit of the recycling 1638
and litter prevention fund created in section 3736.03 of the 1639
Revised Code; 1640

(3) A fee of two and one-half cents per cubic yard or five 1641
cents per ton, as applicable, the proceeds of which shall be 1642
deposited in the state treasury to the credit of the waste 1643
management fund created in section 3734.061 of the Revised Code. 1644

(B) The owner or operator of a construction and demolition 1645
debris facility or a solid waste facility, as a trustee of the 1646
state, shall calculate the amount of money generated from the 1647
fees levied under this section and remit the money from the fees 1648
in the manner that is established in divisions (A) (2) and (3) of 1649
section 3714.07 of the Revised Code for the fee that is levied 1650
under division (A) (1) of that section and may enter into an 1651
agreement for the quarterly payment of money generated from the 1652
fees in the manner established in division (B) of that section 1653
for the quarterly payment of money generated from the fee that 1654

is levied under division (A) (1) of that section.

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

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

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

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure

in accordance with rules adopted by the director under section 1685
3714.02 of the Revised Code. 1686

(2) The materials are not placed within the unloading zone 1687
of the facility or within the limits of construction and 1688
demolition debris placement at the facility as specified in the 1689
license issued to the facility under section 3714.06 of the 1690
Revised Code, but are used as fill material, either alone or in 1691
conjunction with clean soil, sand, gravel, or other clean 1692
aggregates, in legitimate fill operations for construction 1693
purposes at the facility or to bring the facility up to a 1694
consistent grade. 1695

Sec. 3734.521. (A) As used in this section and sections 1696
3734.531 and 3734.57 of the Revised Code, "change in district 1697
composition" or "change" includes the withdrawal of a county 1698
from a joint solid waste management district, the establishment 1699
of a new county or joint district, the joinder of a county to an 1700
existing joint district, the union of two or more joint 1701
districts, or any combination thereof. 1702

(B) In addition to the requirements under Chapter 343. of 1703
the Revised Code, the requirements of this section govern a 1704
change in district composition when any of the districts 1705
involved are operating under a solid waste management plan or 1706
amended plan approved or ordered to be implemented under this 1707
section or section 3734.55 or 3734.56 of the Revised Code. 1708

(C) For purposes of preparing the initial and amended 1709
solid waste management plans for the county and joint districts 1710
resulting from any proposed change in district composition, the 1711
solid waste management policy committee for the proposed 1712
resulting districts shall consist of the members prescribed in 1713
division (B) of section 3734.54 of the Revised Code from each 1714

county within the proposed district and shall include an 1715
additional public member only when one is required to be 1716
appointed under division (C) of section 3734.54 of the Revised 1717
Code. 1718

(D) In the case of a proposed establishment of a new joint 1719
district, joinder of a county to an existing joint district, or 1720
union of existing joint districts that only involves existing 1721
county or joint districts that are operating under solid waste 1722
management plans or amended plans approved under this section or 1723
section 3734.55 or 3734.56 of the Revised Code and that does not 1724
involve the withdrawal of a county from an existing joint 1725
district, the solid waste management policy committee of the 1726
proposed joint district resulting from the change shall do all 1727
of the following: 1728

(1) Prepare a draft initial or amended solid waste 1729
management plan for the proposed joint district that complies 1730
with divisions (A), (B), (D), and (E) (1) of section 3734.53 of 1731
the Revised Code; 1732

(2) Upon completion of the draft initial or amended plan 1733
for the proposed joint district, proceed to adopt and obtain 1734
approval of it in accordance with divisions (A), (B), and (C) (1) 1735
to (3) of section 3734.55 of the Revised Code; 1736

(3) Submit the initial or amended plan for the proposed 1737
joint district to the director of environmental protection for 1738
approval not earlier than one hundred eighty days and not later 1739
than ninety days before the date that one of the existing 1740
districts involved in the proposed change is required to submit 1741
an amended plan under section 3734.56 of the Revised Code. 1742

If any such proposed joint district fails to submit its 1743

plan or amended plan, as appropriate, to the director on or 1744
before the date required under division (D) (3) of this section, 1745
the proposed change shall not occur, and the director shall 1746
proceed in accordance with division (D) of section 3734.55 of 1747
the Revised Code to prepare an amended plan for each of the 1748
existing districts and order the implementation of the amended 1749
plans. If the proposed joint district fails to obtain approval 1750
of its initial or amended plan, as appropriate, within eighteen 1751
months after the date for submission of its initial or amended 1752
plan required under division (D) (3) of this section, the 1753
director shall proceed in accordance with division (D) of 1754
section 3734.55 of the Revised Code to prepare a plan or amended 1755
plan, as appropriate, for the proposed joint district and to 1756
order the implementation of the plan or amended plan. 1757

~~(E) In the case of a proposed change in district 1758~~
~~composition that involves an existing district that is operating 1759~~
~~under a solid waste management plan or amended plan prepared and 1760~~
~~ordered to be implemented by the director under this section or 1761~~
~~section 3734.55 or 3734.56 of the Revised Code or that involves 1762~~
~~the withdrawal of a county from an existing joint district, the 1763~~
~~solid waste management policy committee of each of the districts 1764~~
~~resulting from the proposed change, not later than twenty months 1765~~
~~before one of the existing districts is required to submit an 1766~~
~~amended solid waste management plan under section 3734.56 of the 1767~~
~~Revised Code or twenty months before the triennial anniversary 1768~~
~~of the issuance of the order under division (D) or (F) (1) or (2) 1769~~
~~of this section or division (D) of section 3734.55 of the 1770~~
~~Revised Code requiring one of the districts involved to 1771~~
~~implement a plan prepared and ordered to be implemented under 1772~~
~~any of those divisions, shall submit to the director a 1773~~
~~preliminary demonstration of the availability of or access to 1774~~

~~solid waste management facility capacity under division (E) (1) or (2) of this section, as appropriate. The preliminary demonstrations of each of the proposed districts shall be submitted to the director at the same time.~~

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

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

~~The director shall approve or disapprove a preliminary demonstration of capacity within sixty days after receiving it. If the director finds that the policy committee has made the demonstration required by division (E) (1) of this section, he~~

~~shall approve the preliminary demonstration. Otherwise, the~~
~~director shall disapprove the preliminary demonstration.~~

~~(2) If a proposed district does not have sufficient solid~~
~~waste management facility capacity within its boundaries or~~
~~access to sufficient capacity by contract or agreement to make~~
~~the demonstration required by division (E)(1) of this section,~~
~~the solid waste management policy committee of the proposed~~
~~district shall submit to the director a statement as to how the~~
~~proposed district will provide for sufficient solid waste~~
~~management facility capacity to dispose of all solid wastes~~
~~generated within its boundaries during the subsequent ten-year~~
~~period. The statement shall be accompanied by a study of the~~
~~financial feasibility of the measures proposed in the statement.~~
~~The statement and financial feasibility study shall contain an~~
~~inventory of all existing solid waste disposal, transfer, and~~
~~resource recovery facilities and recycling activities within the~~
~~proposed district and estimates of the remaining capacity~~
~~available at each such facility; estimates of the amounts of~~
~~solid wastes that will be generated within the proposed district~~
~~during each year of the subsequent ten-year period; an~~
~~identification of the additional solid waste management~~
~~facilities and capacity that the proposed district intends to~~
~~provide to dispose of the estimated amounts of solid wastes; a~~
~~schedule for implementation of the measures proposed in the~~
~~statement; if appropriate, estimates of the capital and~~
~~operating costs of the additional facilities that the district~~
~~intends to provide and of the rates to be charged to meet those~~
~~costs; and, if appropriate, rates to be charged to meet the~~
~~costs of capacity that the district intends to provide by~~
~~contract or agreement.~~

~~The director shall approve or disapprove a statement and~~

~~financial feasibility study within sixty days after receiving~~ 1836
~~them. The director shall approve a statement and financial~~ 1837
~~feasibility study only if they demonstrate a technically~~ 1838
~~feasible and economically reasonable means of providing for the~~ 1839
~~environmentally sound management of solid wastes generated in~~ 1840
~~the district during the subsequent ten-year period. Otherwise,~~ 1841
~~the director shall disapprove the statement and financial~~ 1842
~~feasibility study.~~ 1843

~~(3) Upon approving or disapproving a preliminary~~ 1844
~~demonstration of capacity under division (E) (1) or (2) of this~~ 1845
~~section, the director shall provide written notice of his~~ 1846
~~decision to the solid waste management policy committee that~~ 1847
~~submitted it. If the director disapproves the preliminary~~ 1848
~~demonstration of any of the proposed districts, the change in~~ 1849
~~district composition shall not occur. The solid waste management~~ 1850
~~policy committee of each of the existing districts operating~~ 1851
~~under a solid waste management plan approved under this section~~ 1852
~~or section 3734.55 of the Revised Code or an amended plan~~ 1853
~~approved under this section or section 3734.56 of the Revised~~ 1854
~~Code then shall proceed to adopt and obtain approval of an~~ 1855
~~amended plan in accordance with division (A) of section 3734.56~~ 1856
~~of the Revised Code. If any of the existing districts is~~ 1857
~~operating under a plan or an amended plan ordered to be~~ 1858
~~implemented under this section or section 3734.55 or 3734.56 of~~ 1859
~~the Revised Code, the director then shall proceed in accordance~~ 1860
~~with division (B) of section 3734.56 of the Revised Code to~~ 1861
~~prepare an amended plan for each such district and order the~~ 1862
~~implementation of the amended plan. Division (E) (3) of this~~ 1863
~~section does not preclude an existing district that is operating~~ 1864
~~under a plan or amended plan prepared and ordered to be~~ 1865
~~implemented by the director from proceeding under division (C)~~ 1866

~~of section 3734.56 of the Revised Code to prepare and obtain~~ 1867
~~approval of a plan to replace the initial or amended plan~~ 1868
~~prepared by the director.~~ 1869

~~(4) If the director approves the preliminary demonstration~~ 1870
~~of each of the proposed districts resulting from the change in~~ 1871
~~district composition under division (E) (1) or (2) of this~~ 1872
~~section, the solid waste management policy committee of each of~~ 1873
~~the proposed districts shall begin preparing a draft initial~~ 1874
~~solid waste management plan for the district, and the committee~~ 1875
~~of the remaining joint district, if any, shall begin preparing a~~ 1876
~~draft amended plan for the joint district. The initial or~~ 1877
~~amended plan and certification of capacity shall comply with~~ 1878
~~divisions (A), (B), (D), and (E) (1) of section 3734.53 of the~~ 1879
~~Revised Code. Upon completion of the draft initial or amended~~ 1880
~~plan for the proposed district, the committee shall proceed to~~ 1881
~~adopt and obtain approval of it in accordance with divisions~~ 1882
~~(A), (B), and (C) (1) to (3) of section 3734.55 of the Revised~~ 1883
~~Code. The initial plans of the proposed districts and the~~ 1884
~~amended plan of the remaining joint district, if any, shall be~~ 1885
~~submitted to the director at the same time and shall be~~ 1886
~~submitted not later than twenty months after the proposed~~ 1887
~~districts submitted their preliminary demonstrations of capacity~~ 1888
~~under division (E) (1) or (2) of this section. If any of the~~ 1889
~~proposed districts fails to submit its plan or amended plan to~~ 1890
~~the director on or before the required date, the proposed change~~ 1891
~~shall not occur, and the director then shall proceed in~~ 1892
~~accordance with division (D) of section 3734.55 of the Revised~~ 1893
~~Code to prepare an amended plan for each of the existing~~ 1894
~~districts and to order the implementation of the amended plans.~~ 1895

~~(F) If any of the proposed districts resulting from a~~ 1896
~~change in district composition, or the remaining joint district,~~ 1897

~~if any, that is required to submit a preliminary demonstration-~~ 1898
~~of capacity under division (E) (1) or (2) of this section fails-~~ 1899
~~to obtain approval of its plan or amended plan within thirty-~~ 1900
~~eight months after the submission of its preliminary-~~ 1901
~~demonstration of capacity, the director shall determine what-~~ 1902
~~actions are necessary to ensure that each county involved in the~~ 1903
~~proposed change will be included in a district that either will-~~ 1904
~~have within its boundaries sufficient solid waste management-~~ 1905
~~facility capacity to provide for the disposal of all of the-~~ 1906
~~solid wastes generated within its boundaries during the-~~ 1907
~~subsequent ten-year period or will have access to sufficient-~~ 1908
~~capacity at facilities located outside the district or this-~~ 1909
~~state by contract or agreement to dispose of all of the solid-~~ 1910
~~wastes generated within the district during that ten-year-~~ 1911
~~period. Based upon that determination, the director shall do-~~ 1912
~~either of the following, as appropriate:-~~ 1913

~~(1) If the director determines that the solid waste-~~ 1914
~~management needs of each of the counties involved can be met if-~~ 1915
~~the proposed change were to occur, he shall prepare an initial-~~ 1916
~~or amended plan that complies with divisions (A) and (D) of-~~ 1917
~~section 3734.53 of the Revised Code for each of the proposed or-~~ 1918
~~existing districts that failed to obtain approval of its plan or~~ 1919
~~amended plan within thirty-eight months after the districts were~~ 1920
~~required to submit their preliminary demonstrations of capacity-~~ 1921
~~under division (E) (1) or (2) of this section. None of the plans-~~ 1922
~~or amended plans prepared by the director shall contain any of-~~ 1923
~~the provisions required or authorized to be included in plans-~~ 1924
~~submitted by districts under division (B), (C), or (E) of-~~ 1925
~~section 3734.53 of the Revised Code. Upon completion of each-~~ 1926
~~such plan or amended plan, the director shall issue an order in-~~ 1927
~~accordance with Chapter 3745. of the Revised Code directing the-~~ 1928

~~board of county commissioners or directors of the district for~~ 1929
~~which the plan or amended plan was prepared to implement it in~~ 1930
~~compliance with the implementation schedule contained in it.~~ 1931

~~(2) If the director determines that the solid waste~~ 1932
~~management needs of each of the counties involved cannot be met~~ 1933
~~if the proposed change in district composition were to occur, he~~ 1934
~~shall make a determination as to how county or joint districts~~ 1935
~~should be formed from among those counties to ensure that each~~ 1936
~~will be included in a district that either will have within its~~ 1937
~~boundaries sufficient solid waste management facility capacity~~ 1938
~~to provide for the disposal of all the solid wastes generated~~ 1939
~~within the district during the subsequent ten-year period or~~ 1940
~~will have access to sufficient capacity at facilities located~~ 1941
~~outside the district or this state by contract or agreement to~~ 1942
~~dispose of all the solid wastes generated within the district~~ 1943
~~during that ten-year period. After making his determination, the~~ 1944
~~director shall prepare an initial or amended solid waste~~ 1945
~~management plan for each of them. If the director determines~~ 1946
~~that any existing district involved in the proposed change~~ 1947
~~should be retained without a modification in its composition,~~ 1948
~~the director shall prepare an amended plan for the district. The~~ 1949
~~director shall prepare an initial or amended plan for each~~ 1950
~~district whose composition would be changed under his~~ 1951
~~determination. Each such plan or amended plan shall comply with~~ 1952
~~divisions (A) and (D) of section 3734.53 of the Revised Code.~~ 1953
~~None of the plans or amended plans shall contain any of the~~ 1954
~~provisions required or authorized to be included in plans under~~ 1955
~~division (B), (C), or (E) of that section.~~ 1956

~~If a plan prepared under this division provides for the~~ 1957
~~establishment of a joint district by two or more counties that~~ 1958
~~had each previously formed a county district, the director, in~~ 1959

~~accordance with Chapter 3745. of the Revised Code, shall issue~~ 1960
~~an order to the board of county commissioners of each of the~~ 1961
~~counties directing them to enter into an agreement to form a~~ 1962
~~joint district under division (A) of section 343.01 of the~~ 1963
~~Revised Code within thirty days after the issuance of the order.~~ 1964
~~If a plan or amended plan prepared by the director provides for~~ 1965
~~the withdrawal of one or more counties from an existing joint~~ 1966
~~district, the establishment of a new joint district, the joinder~~ 1967
~~of one or more counties to an existing joint district, or the~~ 1968
~~union of two or more existing joint districts, the director, in~~ 1969
~~accordance with Chapter 3745. of the Revised Code, shall issue~~ 1970
~~appropriate orders to the board of county commissioners of each~~ 1971
~~county or existing county district and to the board of directors~~ 1972
~~of each joint district that will be affected by the plan~~ 1973
~~directing the board of county commissioners or directors, within~~ 1974
~~thirty days after the issuance of the order, to adopt the~~ 1975
~~appropriate resolutions and enter into any necessary agreements~~ 1976
~~under division (B) of section 343.01 of the Revised Code to~~ 1977
~~effect the changes provided for in the plan. The requirements~~ 1978
~~and procedures for approval of the withdrawal from,~~ 1979
~~establishment of, joinder to, or union of districts under~~ 1980
~~section 343.012 of the Revised Code do not apply to changes~~ 1981
~~ordered under division (F) (2) of this section. The other~~ 1982
~~provisions of that section do apply to changes ordered under~~ 1983
~~division (F) (2) of this section.~~ 1984

~~Any order issued by the director under division (F) (2) of~~ 1985
~~this section also shall require the district to be formed~~ 1986
~~pursuant to the order to implement the plan or amended plan~~ 1987
~~prepared by the director in compliance with the implementation~~ 1988
~~schedule contained in the plan.~~ 1989

~~(G) No proposed change in district composition shall~~ 1990

become final until one of the following has occurred: 1991

(1) The director has approved the solid waste management 1992
plan of each newly formed district under section 3734.55 of the 1993
Revised Code and the amended plan of the remaining joint 1994
district, if any, under section 3734.56 of the Revised Code; 1995

(2) In the case of a joint district subject to division 1996
(D) of this section that failed to obtain approval of its plan 1997
or amended plan on or before the date required under that 1998
division, the director has prepared a plan or amended plan for 1999
the district and has issued an order to the district directing 2000
it to implement the plan or amended plan prepared by the 2001
director; 2002

~~(3) If the circumstances described in division (F) (1) of~~ 2003
~~this section apply, the director has prepared a plan or amended~~ 2004
~~plan for each of the districts involved that failed to obtain~~ 2005
~~approval of its plan or amended plan on or before the date~~ 2006
~~required under that division and has issued an order to each of~~ 2007
~~them under that division directing the district to implement the~~ 2008
~~plan prepared by the director, and the director has approved the~~ 2009
~~plan or amended plan of each of the other proposed districts;~~ 2010

~~(4) If the circumstances described in division (F) (2) of~~ 2011
~~this section apply, the director has prepared a plan or amended~~ 2012
~~plan for each of the districts set forth in the determination~~ 2013
~~made under that division and has issued an order under that~~ 2014
~~division directing each of the districts to implement the~~ 2015
~~initial or amended plan prepared for it by the director~~ 2016
In the
case of a proposed change in district composition that involves 2017
the withdrawal of a county from an existing joint district, the 2018
director of environmental protection has effectuated the change 2019
in district composition in accordance with section 3734.522 of 2020

the Revised Code, including providing for the preparation and 2021
adoption of plans in accordance with applicable provisions of 2022
this chapter. 2023

~~(H) In addition to the requirements of division (G) of~~ 2024
~~this section, if a change in district composition involves the~~ 2025
~~withdrawal of a county from a joint district, it shall not~~ 2026
~~become final until the county ceases to be a part of the joint~~ 2027
~~district from which it is withdrawing pursuant to division (B)~~ 2028
~~of section 343.012 of the Revised Code.~~ 2029

Sec. 3734.522. (A) As used in this section, "deliver" has 2030
the same meaning as in division (G) (2) of section 3734.55 of the 2031
Revised Code. 2032

(B) The board of county commissioners of a county that is 2033
a member of a joint solid waste management district may withdraw 2034
from the district by doing all of the following: 2035

(1) Adopting a resolution declaring that the county will 2036
unilaterally withdraw from the district; 2037

(2) Providing the notice required under division (C) of 2038
this section; 2039

(3) Complying with the requirements under division (D) of 2040
this section governing the memorandum of understanding. 2041

(C) Upon adopting the resolution under division (B) of 2042
this section, the board shall deliver a copy of it to the board 2043
of directors of the district. Upon receiving the resolution, the 2044
board of directors shall deliver written notice of the proposed 2045
withdrawal to the boards of county commissioners of the other 2046
counties forming the joint district and to the director of 2047
environmental protection. 2048

(D) If a board of county commissioners adopts a resolution 2049
under division (B) of this section, the boards of county 2050
commissioners of all the counties that are members of the 2051
district shall enter into a memorandum of understanding within 2052
forty-five days after notice of the withdrawal is received in 2053
accordance with division (C) of this section. The memorandum of 2054
understanding shall describe the terms of how the counties that 2055
comprise the joint district will operate as a joint district 2056
during a two-year period beginning on the date that the 2057
memorandum of understanding is agreed upon by all counties that 2058
comprise the joint district. In the event that those counties do 2059
not agree upon the terms of the memorandum of understanding, the 2060
county that is withdrawing shall, within ten days after it is 2061
determined that an agreement cannot be reached by the counties, 2062
request a court of common pleas located in a county adjacent to 2063
the withdrawing county to hear the parties and decide the terms 2064
of the memorandum of understanding on behalf of the counties. 2065
Not later than ninety days after the request is made, the court 2066
of common pleas shall hear the parties and issue an order that 2067
details the terms of the memorandum of understanding. The 2068
memorandum of understanding expires two years after the date 2069
that memorandum of understanding is entered into by the counties 2070
or the court issues the order determining the details of the 2071
memorandum of understanding, as applicable, unless all parties 2072
agree in writing to an earlier date. 2073

If a board of county commissioners wishes to extend the 2074
term of the memorandum of understanding, the board, prior to 2075
sixty days before the memorandum is scheduled to expire, shall 2076
request the boards of county commissioners of all other counties 2077
that form the joint district to agree to the extension and shall 2078
include in the request the period of time proposed for the 2079

extension, which shall not exceed forty-five days. If all such 2080
boards agree to the extension, the memorandum of understanding 2081
is extended for such time period as agreed to. If a court of 2082
common pleas issued an order establishing the terms of the 2083
memorandum of understanding, the board of county commissioners 2084
seeking the extension, prior to sixty days before the memorandum 2085
is scheduled to expire, may request the court to extend the 2086
memorandum. If so requested, the court shall issue an order 2087
either denying an extension or extending the term of the 2088
memorandum by a period of not to exceed forty-five days. 2089

(E) The director of environmental protection shall take 2090
all actions necessary under this chapter to effectuate the 2091
withdrawal of a county from a joint solid waste management 2092
district pursuant to a memorandum of understanding executed 2093
under this section so that the withdrawal is effective upon the 2094
expiration date of the memorandum of understanding. The director 2095
shall begin taking all such necessary actions on the date that 2096
such memorandum is executed. 2097

(F) Notwithstanding any provision of law to the contrary, 2098
on the date that the memorandum of understanding expires, all of 2099
the following apply: 2100

(1) The withdrawing county is severed from the joint 2101
district, becomes a county solid waste management district, and 2102
shall comply with all necessary provisions of Chapter 343. of 2103
the Revised Code and this chapter that apply to county solid 2104
waste management districts. The severed county's members on the 2105
board of directors of the joint district cease to be members of 2106
that board. That board's power to levy a tax upon taxable 2107
property in the severed county to support the former joint 2108
district terminates, except that each county of the former 2109

district shall continue to levy and collect any taxes levied for 2110
the payment of indebtedness of the district that was incurred 2111
prior to the severed county's withdrawal from the district. 2112

Pursuant to the memorandum of understanding, all funds on hand, 2113
credits, and real and personal property of the district shall be 2114
ascertained and apportioned, either in money or in kind, on any 2115
equitable basis between the district and the withdrawing county. 2116

(2) The county or counties remaining in the former joint 2117
district become a county or joint solid waste management 2118
district, as applicable, and shall comply with all necessary 2119
provisions of Chapter 343. of the Revised Code and this chapter 2120
that apply to county or joint solid waste management districts. 2121

(3) The solid waste management policy committee of the 2122
severed county and such committee of the county or counties of 2123
the remaining district may form or join a joint solid waste 2124
management district or a regional solid waste management 2125
authority as provided in this chapter and Chapter 343. of the 2126
Revised Code. However, in no circumstance shall the director 2127
require the county or counties to form or join a joint district 2128
or regional solid waste management authority. 2129

Sec. 3734.53. (A) The solid waste management plan of any 2130
county or joint solid waste management district shall be 2131
prepared in a format prescribed by the director of environmental 2132
protection and shall provide for compliance with the objectives 2133
of the state solid waste management plan and rules adopted under 2134
section 3734.50 of the Revised Code. The plan shall provide for, 2135
demonstrate, and certify the availability of and access to 2136
sufficient solid waste management facility capacity to meet the 2137
solid waste management needs of the district for the ten-year 2138
period covered by the plan. The solid waste management policy 2139

committee of a county or joint district created in section 2140
3734.54 of the Revised Code may prepare and submit a solid waste 2141
management plan that covers and makes the required demonstration 2142
for a longer period of time. 2143

The solid waste management plan shall contain all of the 2144
following: 2145

(1) An inventory of the sources, composition, and 2146
quantities of solid wastes generated in the district during the 2147
current year; 2148

(2) An inventory of all existing facilities where solid 2149
wastes are being disposed of, all resource recovery facilities, 2150
and all recycling activities within the district. The inventory 2151
shall identify each such facility or activity and, for each 2152
disposal facility, shall estimate the remaining disposal 2153
capacity available at the facility. The inventory shall be 2154
accompanied by a map that shows the location of each such 2155
existing facility or activity. 2156

(3) An inventory of existing solid waste collection 2157
systems and routes, transportation systems and routes, and 2158
transfer facilities within the district. The inventory shall 2159
identify the entities engaging in solid waste collection within 2160
the district. 2161

(4) An inventory of open dumping sites for solid wastes, 2162
including solid wastes consisting of scrap tires, and facilities 2163
for the disposal of fly ash and bottom ash, foundry sand, and 2164
slag within the district. The inventory shall identify each such 2165
site or facility and shall be accompanied by a map that shows 2166
the location of each of them. 2167

(5) A projection of population changes within the district 2168

during the next ten years; 2169

(6) For each year of the forecast period, projections of 2170
the amounts and composition of solid wastes that will be 2171
generated within the district, the amounts of solid wastes 2172
originating outside the district that will be brought into the 2173
district for disposal or resource recovery, the nature of 2174
industrial activities within the district, and the effect of 2175
newly regulated waste streams, solid waste minimization 2176
activities, and solid waste recycling and reuse activities on 2177
solid waste generation rates. For each year of the forecast 2178
period, projections of waste quantities shall be compiled as an 2179
aggregate quantity of wastes. 2180

(7) An identification of the additional solid waste 2181
management facilities and the amount of additional capacity 2182
needed to dispose of the quantities of wastes projected in 2183
division (A) (6) of this section; 2184

(8) A strategy for identification of sites for the 2185
additional solid waste management facilities and capacity 2186
identified under division (A) (7) of this section; 2187

(9) An analysis and comparison of the capital and 2188
operating costs of the solid waste disposal facilities, solid 2189
waste resource recovery facilities, and solid waste recycling 2190
and reuse activities necessary to meet the solid waste 2191
management needs of the district, projected in five- and ten- 2192
year increments; 2193

(10) An analysis of expenses for which the district is 2194
liable under section 3734.35 of the Revised Code; 2195

(11) A projection of solid waste transfer facilities that 2196
will be needed in conjunction with existing solid waste 2197

facilities and those projected under division (A) (7) of this 2198
section; 2199

(12) Such other projections as the district considers 2200
necessary or appropriate to ascertain and meet the solid waste 2201
management needs of the district during the period covered by 2202
the plan; 2203

(13) A schedule for implementation of the plan that, when 2204
applicable, contains all of the following: 2205

(a) An identification of the solid waste disposal, 2206
transfer, and resource recovery facilities and recycling 2207
activities contained in the plan where solid wastes generated 2208
within or transported into the district will be taken for 2209
disposal, transfer, resource recovery, or recycling. An initial 2210
or amended plan prepared and ordered to be implemented by the 2211
director under section 3734.521, 3734.55, or 3734.56 of the 2212
Revised Code may designate solid waste disposal, transfer, or 2213
resource recovery facilities or recycling activities that are 2214
owned by a municipal corporation, county, county or joint solid 2215
waste management district, township, or township waste disposal 2216
district created under section 505.28 of the Revised Code for 2217
which debt issued under Chapter 133., 343., or 6123. of the 2218
Revised Code is outstanding where solid wastes generated within 2219
or transported into the district shall be taken for disposal, 2220
transfer, resource recovery, or recycling. 2221

(b) A schedule for closure of existing solid waste 2222
facilities, expansion of existing facilities, and establishment 2223
of new facilities. The schedule for expansion of existing 2224
facilities or establishment of new facilities shall include, 2225
without limitation, the approximate dates for filing 2226
applications for appropriate permits to install or modify those 2227

facilities under section 3734.05 of the Revised Code. 2228

(c) A schedule for implementation of solid waste 2229
recycling, reuse, and reduction programs needed to meet the 2230
waste reduction, recycling, reuse, and minimization objectives 2231
of the state solid waste management plan and rules adopted by 2232
the director under section 3734.50 of the Revised Code; 2233

(d) The methods of financing implementation of the plan 2234
and a demonstration of the availability of financial resources 2235
for that purpose. 2236

(14) A program for providing informational or technical 2237
assistance regarding source reduction to solid waste generators, 2238
or particular categories of solid waste generators, within the 2239
district. The plan shall set forth the types of assistance to be 2240
provided by the district and the specific categories of 2241
generators that are to be served. The district has the sole 2242
discretion to determine the types of assistance that are to be 2243
provided under the program and the categories of generators to 2244
be served by it. 2245

(B) In addition to the information, projections, 2246
demonstrations, and certification required by division (A) of 2247
this section, a plan shall do all of the following: 2248

(1) Establish the schedule of fees, if any, to be levied 2249
under divisions (B) (1) to (3) of section 3734.57 of the Revised 2250
Code; 2251

(2) Establish the fee, if any, to be levied under division 2252
(A) of section 3734.573 of the Revised Code; 2253

(3) Contain provisions governing the allocation among the 2254
purposes enumerated in ~~divisions (C) (1) to (10)~~ division (G) of 2255
section 3734.57 of the Revised Code of the moneys credited to 2256

the special fund of the district under that division ~~(G) of that~~ 2257
~~section~~ that are available for expenditure by the district ~~under~~ 2258
~~that division~~. The plan shall do all of the following: 2259

(a) Ensure that sufficient of the moneys so credited to 2260
and available from the special fund are available for use by the 2261
solid waste management policy committee of the district at the 2262
time the moneys are needed to monitor implementation of the plan 2263
and conduct its periodic review and amendment as required under 2264
section 3734.56 of the Revised Code; 2265

(b) Contain provisions governing the allocation and 2266
distribution of moneys credited to and available from the 2267
special fund of the district to health districts within the 2268
county or joint district that have approved programs under 2269
section 3734.08 of the Revised Code for the purposes of division 2270
(G) (3) of section 3734.57 of the Revised Code; 2271

(c) Contain provisions governing the allocation and 2272
distribution of moneys credited to and available from the 2273
special fund of the district to the county in which solid waste 2274
facilities are or are to be located and operated under the plan 2275
for the purposes of division (G) (4) of section 3734.57 of the 2276
Revised Code; 2277

(d) Contain provisions governing the allocation and 2278
distribution, pursuant to contracts entered into for that 2279
purpose, of moneys credited to and available from the special 2280
fund of the district to boards of health within the district in 2281
which solid waste facilities contained in the district's plan 2282
are located for the purposes of division (G) (5) of section 2283
3734.57 of the Revised Code. 2284

(4) Incorporate all solid waste recycling activities that 2285

were in operation within the district on the effective date of 2286
the plan. 2287

(C) The solid waste management plan of a county or joint 2288
district may provide for the adoption of rules under division 2289
(G) of section 343.01 of the Revised Code after approval of the 2290
plan under section 3734.521 or 3734.55 of the Revised Code doing 2291
any or all of the following: 2292

(1) Prohibiting or limiting the receipt at facilities 2293
located within the solid waste management district of solid 2294
wastes generated outside the district or outside a prescribed 2295
service area consistent with the projections under divisions (A) 2296
(6) and (7) of this section. However, rules adopted by a board 2297
under division (C)(1) of this section may be adopted and 2298
enforced with respect to solid waste disposal facilities in the 2299
solid waste management district that are not owned by a county 2300
or the solid waste management district only if the board submits 2301
an application to the director of environmental protection that 2302
demonstrates that there is insufficient capacity to dispose of 2303
all solid wastes that are generated within the district at the 2304
solid waste disposal facilities located within the district and 2305
the director approves the application. The demonstration in the 2306
application shall be based on projections contained in the plan 2307
or amended plan of the district. The director shall establish 2308
the form of the application. The approval or disapproval of such 2309
an application by the director is an action that is appealable 2310
under section 3745.04 of the Revised Code. 2311

In addition, the director of environmental protection may 2312
issue an order modifying a rule authorized to be adopted under 2313
division (C)(1) of this section to allow the disposal in the 2314
district of wastes from another county or joint solid waste 2315

management district if all of the following apply: 2316

(a) The district in which the wastes were generated does 2317
not have sufficient capacity to dispose of solid wastes 2318
generated within it for six months following the date of the 2319
director's order; 2320

(b) No new solid waste facilities will begin operation 2321
during those six months in the district in which the wastes were 2322
generated and, despite good faith efforts to do so, it is 2323
impossible to site new solid waste facilities within the 2324
district because of its high population density; 2325

(c) The district in which the wastes were generated has 2326
made good faith efforts to negotiate with other districts to 2327
incorporate its disposal needs within those districts' solid 2328
waste management plans, including efforts to develop joint 2329
facilities authorized under section 343.02 of the Revised Code, 2330
and the efforts have been unsuccessful; 2331

(d) The district in which the wastes were generated has 2332
located a facility willing to accept the district's solid wastes 2333
for disposal within the receiving district; 2334

(e) The district in which the wastes were generated has 2335
demonstrated to the director that the conditions specified in 2336
divisions (C) (1) (a) to (d) of this section have been met; 2337

(f) The director finds that the issuance of the order will 2338
be consistent with the state solid waste management plan and 2339
that receipt of the out-of-district wastes will not limit the 2340
capacity of the receiving district to dispose of its in-district 2341
wastes to less than eight years. Any order issued under division 2342
(C) (1) of this section shall not become final until thirty days 2343
after it has been served by certified mail upon the county or 2344

joint solid waste management district that will receive the out- 2345
of-district wastes. 2346

(2) Governing the maintenance, protection, and use of 2347
solid waste collection, storage, disposal, transfer, recycling, 2348
processing, and resource recovery facilities within the district 2349
and requiring the submission of general plans and specifications 2350
for the construction, enlargement, or modification of any such 2351
facility to the board of county commissioners or board of 2352
directors of the district for review and approval as complying 2353
with the plan or amended plan of the district; 2354

(3) Governing development and implementation of a program 2355
for the inspection of solid wastes generated outside the 2356
boundaries of the state that are being disposed of at solid 2357
waste facilities included in the district's plan; 2358

(4) Exempting the owner or operator of any existing or 2359
proposed solid waste facility provided for in the plan from 2360
compliance with any amendment to a township zoning resolution 2361
adopted under section 519.12 of the Revised Code or to a county 2362
rural zoning resolution adopted under section 303.12 of the 2363
Revised Code that rezoned or redistricted the parcel or parcels 2364
upon which the facility is to be constructed or modified and 2365
that became effective within two years prior to the filing of an 2366
application for a permit required under division (A) (2) (a) of 2367
section 3734.05 of the Revised Code to open a new or modify an 2368
existing solid waste facility. 2369

(D) Except for the inventories required by divisions (A) 2370
(1), (2), and (4) of this section and the projections required 2371
by division (A) (6) of this section, neither this section nor the 2372
solid waste management plan of a county or joint district 2373
applies to the construction, operation, use, repair, or 2374

maintenance of either of the following: 2375

(1) A solid waste facility owned by a generator of solid 2376
wastes when the solid waste facility exclusively disposes of 2377
solid wastes generated at one or more premises owned by the 2378
generator regardless of whether the facility is located on a 2379
premises where the wastes are generated; 2380

(2) A facility that exclusively disposes of wastes that 2381
are generated from the combustion of coal, or from the 2382
combustion of primarily coal in combination with scrap tires, 2383
that is not combined in any way with garbage at one or more 2384
premises owned by the generator. 2385

(E) (1) The initial solid waste management plans prepared 2386
by county or joint districts under section 3734.521 of the 2387
Revised Code and the amended plans prepared under section 2388
3734.521 or 3734.56 of the Revised Code shall contain a clear 2389
statement as to whether the board of county commissioners or 2390
directors is authorized to or precluded from establishing 2391
facility designations under section 343.014 of the Revised Code. 2392

(2) A policy committee that is preparing a draft or 2393
revised draft plan under section 3734.55 of the Revised Code on 2394
October 29, 1993, may include in the draft or revised draft plan 2395
only one of the following pertaining to the solid waste 2396
facilities or recycling activities where solid wastes generated 2397
within or transported into the district are to be taken for 2398
disposal, transfer, resource recovery, or recycling: 2399

(a) The designations required under former division (A) 2400
(12) (a) of this section as it existed prior to October 29, 1993; 2401

(b) The identifications required in division (A) (12) (a) of 2402
this section and the statement required under division (E) (1) of 2403

this section; 2404

(c) Both of the following: 2405

(i) The designations required under former division (A) 2406
(12)(a) of this section as it existed prior to October 29, 1993, 2407
except that those designations only shall pertain to solid waste 2408
disposal, transfer, or resource recovery facilities or recycling 2409
activities that are owned by a municipal corporation, county, 2410
county or joint solid waste management district, township, or 2411
township waste disposal district created under section 505.28 of 2412
the Revised Code for which debt issued under Chapter 133., 343., 2413
or 6123. of the Revised Code is outstanding; 2414

(ii) The identifications required under division (A)(12) 2415
(a) of this section, and the statement required under division 2416
(E)(1) of this section, pertaining to the solid waste facilities 2417
and recycling activities described in division (A) of section 2418
343.014 of the Revised Code. 2419

(F) Notwithstanding section 3734.01 of the Revised Code, 2420
"solid wastes" does not include scrap tires and "facility" does 2421
not include any scrap tire collection, storage, monocell, 2422
monofill, or recovery facility in either of the following 2423
circumstances: 2424

(1) For the purposes of an initial plan prepared and 2425
ordered to be implemented by the director under section 3734.55 2426
of the Revised Code; 2427

(2) For the purposes of an initial or amended plan 2428
prepared and ordered to be implemented by the director under 2429
division (D) ~~or (F)(1) or (2)~~ of section 3734.521 of the Revised 2430
Code in connection with a change in district composition as 2431
defined in that section that involves an existing district that 2432

is operating under either an initial plan approved or prepared 2433
and ordered to be implemented under section 3734.55 of the 2434
Revised Code or an initial or amended plan approved or prepared 2435
and ordered to be implemented under section 3734.521 of the 2436
Revised Code that does not provide for the management of scrap 2437
tires and scrap tire facilities. 2438

(G) Notwithstanding section 3734.01 of the Revised Code, 2439
and except as provided in division (A) (4) of this section, 2440
"solid wastes" need not include scrap tires and "facility" need 2441
not include any scrap tire collection, storage, monocell, 2442
monofill, or recovery facility ~~in either of the following~~ 2443
~~circumstances:~~ 2444

~~(1) For~~ for the purposes of an initial plan prepared under 2445
sections 3734.54 and 3734.55 of the Revised Code unless the 2446
solid waste management policy committee preparing the initial 2447
plan chooses to include the management of scrap tires and scrap 2448
tire facilities in the plan. 2449

~~(2) For the purposes of a preliminary demonstration of~~ 2450
~~capacity as defined in section 3734.521 of the Revised Code, if~~ 2451
~~any, and an initial or amended plan prepared under that section~~ 2452
~~by the solid waste management policy committee of a solid waste~~ 2453
~~management district resulting from proceedings for a change in~~ 2454
~~district composition under sections 343.012 and 3734.521 of the~~ 2455
~~Revised Code that involves an existing district that is~~ 2456
~~operating either under an initial plan approved or prepared and~~ 2457
~~ordered to be implemented under section 3734.55 of the Revised~~ 2458
~~Code or under an initial or amended plan approved or prepared~~ 2459
~~and ordered to be implemented under section 3734.521 of the~~ 2460
~~Revised Code that does not provide for the management of scrap~~ 2461
~~tires and scrap tire facilities unless the solid waste~~ 2462

~~management policy committee of the district resulting from the~~ 2463
~~change chooses to include the management of scrap tires and~~ 2464
~~scrap tire facilities in the preliminary demonstration of~~ 2465
~~capacity, if any, and the initial or amended plan prepared under~~ 2466
~~section 3734.521 of the Revised Code in connection with the~~ 2467
~~change proceedings.~~ 2468

If a policy committee chooses to include the management of 2469
scrap tires and scrap tire facilities in an initial plan 2470
pursuant to division (G) (1) of this section, the initial plan 2471
shall incorporate all of the elements required under this 2472
section, and may incorporate any of the elements authorized 2473
under this section, for the purpose of managing solid wastes 2474
that consist of scrap tires and solid waste facilities that are 2475
scrap tire collection, storage, monocell, monofill, or recovery 2476
facilities. ~~If a policy committee chooses to provide for the~~ 2477
~~management of scrap tires and scrap tire facilities pursuant to~~ 2478
~~division (G) (2) of this section, the preliminary demonstration~~ 2479
~~of capacity, if one is required, shall incorporate all of the~~ 2480
~~elements required under division (E) (1) or (2) of section~~ 2481
~~3734.521 of the Revised Code, as appropriate, for the purpose of~~ 2482
~~managing solid wastes that consist of scrap tires and solid~~ 2483
~~waste facilities that are scrap tire collection, storage,~~ 2484
~~monocell, monofill, or recovery facilities. The initial or~~ 2485
~~amended plan also shall incorporate all of the elements required~~ 2486
~~under this section, and may incorporate any of the elements~~ 2487
~~authorized under this section, for the purpose of managing solid~~ 2488
~~wastes that consist of scrap tires and solid waste facilities~~ 2489
~~that are scrap tire collection, storage, monocell, monofill, or~~ 2490
~~recovery facilities.~~ 2491

(H) Neither this section nor the solid waste management 2492
plan of a county or joint district applies to the construction, 2493

operation, use, repair, or maintenance of any compost facility 2494
that exclusively composts raw rendering material. 2495

Sec. 3734.56. (A) Each county and joint solid waste 2496
management district having a solid waste management plan 2497
approved under section 3734.521 or 3734.55 of the Revised Code 2498
with a planning period of less than fifteen years shall submit 2499
triennially, on or before the anniversary date of the approval 2500
of the initial plan, to the director of environmental protection 2501
an amended plan and certification for the subsequent ten-year 2502
period or longer period on which the district's initial plan was 2503
based. If the district's initial plan as approved by the 2504
director contained a planning period of fifteen or more years, 2505
the district shall submit such an amended plan and certification 2506
to the director every five years on or before the anniversary 2507
date of the approval of the initial plan of the district. 2508

The amended plan and certification shall comply with 2509
divisions (A), (B), (D), and (E) (1) of section 3734.53 of the 2510
Revised Code. An amended plan may incorporate any of the 2511
elements under division (C) of that section that are not 2512
included in the district's initial plan or previous amended 2513
plans and may delete any of those elements that were contained 2514
in the initial plan or previous amended plans. An amended plan 2515
shall incorporate all of the elements required under section 2516
3734.53 of the Revised Code, and may incorporate any of the 2517
elements authorized under that section, for the purpose of 2518
managing solid wastes that consist of scrap tires and solid 2519
waste facilities that are scrap tire collection, storage, 2520
monocell, monofill, or recovery facilities. 2521

Not later than fifteen months before the required date for 2522
submission of the amended plan for the district under this 2523

section, the solid waste management policy committee of the 2524
county or joint district established under section 3734.54 of 2525
the Revised Code shall begin preparation of the draft amended 2526
plan for the district. The committee shall proceed to adopt and 2527
obtain approval of the amended plan of the district in 2528
accordance with divisions (A) to (C) of section 3734.55 of the 2529
Revised Code. 2530

If a county or joint district fails to submit an amended 2531
plan in accordance with this division or fails to obtain 2532
approval of the amended plan within eighteen months after the 2533
required date for its submission under this division, the 2534
director shall proceed in accordance with division (D) of 2535
section 3734.55 of the Revised Code. An amended plan prepared by 2536
the director under this division or division (B) of this section 2537
shall incorporate all of the elements required under section 2538
3734.53 of the Revised Code for the purpose of managing solid 2539
wastes that consist of scrap tires and solid waste facilities 2540
that are scrap tire collection, storage, monocell, monofill, or 2541
recovery facilities, except that for that purpose the amended 2542
plan shall not incorporate any of the elements required or 2543
authorized under division (B) or (C) of that section. 2544

(B) If the solid waste management plan of a county or 2545
joint district was initially prepared and ordered to be 2546
implemented by the director under division (D) of section 2547
3734.55 of the Revised Code or division (D) ~~or (F)~~ of section 2548
3734.521 of the Revised Code, the director shall review the plan 2549
triennially and prepare for the district an amended plan that 2550
complies with divisions (A) and (D) of section 3734.53 of the 2551
Revised Code and is applicable to the subsequent ten-year 2552
period. An amended plan prepared by the director shall not 2553
contain any provisions required or authorized to be included in 2554

plans submitted by districts under ~~divisions~~ division (B), (C), 2555
or (E) of section 3734.53 of the Revised Code. Upon completion 2556
of the amended plan, the director shall issue an order in 2557
accordance with Chapter 3745. of the Revised Code directing the 2558
board of county commissioners or board of directors of the 2559
district to implement the amended plan in compliance with the 2560
implementation schedule contained in it. 2561

(C) A county or joint district that is operating under a 2562
solid waste management plan prepared and ordered to be 2563
implemented by the director under division (D) of section 2564
3734.55 of the Revised Code or division (D) ~~or (F)~~ of section 2565
3734.521 of the Revised Code may establish, under division (B) 2566
of section 3734.54 of the Revised Code, a solid waste management 2567
policy committee and prepare, adopt, and submit its own solid 2568
waste management plan to replace the initial or an amended plan 2569
prepared by the director. Any such district may submit its plan 2570
to the director only within the one hundred eighty days 2571
immediately preceding a triennial anniversary of the date on 2572
which the director issued the initial order under division (D) 2573
of section 3734.55 of the Revised Code or division (D) ~~or (F)~~ of 2574
section 3734.521 of the Revised Code requiring the district to 2575
implement the plan prepared by the director. 2576

Upon approval of the solid waste management plan of the 2577
county or joint district under division (C) of section 3734.55 2578
of the Revised Code, the director shall issue an order in 2579
accordance with Chapter 3745. of the Revised Code revoking the 2580
earlier orders issued to the district under division (D) of that 2581
section or division (D) ~~or (F) (1) or (2)~~ of section 3734.521 of 2582
~~THE~~ the Revised Code, as appropriate. 2583

(D) When the board of county commissioners of a county 2584

district or the board of directors of a joint district 2585
determines that circumstances materially changed from those 2586
addressed in the approved initial or amended plan of the 2587
district require submission of an amended plan prior to the time 2588
required under division (A) of this section, the board shall 2589
request the solid waste management policy committee of the 2590
district to prepare a draft amended plan. Upon receipt of the 2591
board's request, the committee shall begin preparing a draft 2592
amended plan for the district and shall proceed to adopt and 2593
obtain approval of the amended plan in accordance with divisions 2594
(A) to (C) of section 3734.55 of the Revised Code. 2595

(E) The board of county commissioners of a county district 2596
or board of directors of a joint district may request the solid 2597
waste management policy committee of the district to prepare and 2598
adopt amendments to any provisions of the district's plan or 2599
amended plan required to be included under division (B) of 2600
section 3734.53 of the Revised Code at any time and without 2601
obtaining approval of the amendments from the director. The 2602
committee shall adopt a resolution setting forth the proposed 2603
amendments to the plan and shall proceed in accordance with 2604
division (B) of section 3734.57 of the Revised Code to conduct a 2605
public hearing on the proposed amendments and obtain their 2606
approval and ratification. 2607

(F) The board of county commissioners of a county district 2608
or board of directors of a joint district may request the solid 2609
waste management policy committee of the district to prepare and 2610
adopt an amendment to the provision required to be included in 2611
the district's plan or amended plan under division (E) of 2612
section 3734.53 of the Revised Code at any time and without the 2613
necessity of obtaining approval of the amendment from the 2614
director. The policy committee shall adopt a resolution setting 2615

forth the proposed amendment to the plan. Upon adopting the 2616
resolution, it shall proceed in accordance with divisions (A) 2617
and (B) of section 3734.55 of the Revised Code to adopt and 2618
obtain ratification of the proposed amendment in the same manner 2619
as a plan, except that the board need not submit a copy of the 2620
resolution to the director for review and comment under division 2621
(A) of that section. An amendment to a plan or amended plan that 2622
is proposed and ratified in accordance with this division shall 2623
take effect when the policy committee declares the amendment to 2624
be ratified pursuant to division (B) of section 3734.55 of the 2625
Revised Code. 2626

Sec. 3734.57. (A) The following fees are hereby levied on 2627
the transfer or disposal of solid wastes in this state: 2628

(1) Seventy-one cents per ton through June 30, 2026, 2629
eleven cents of the proceeds of which shall be deposited in the 2630
state treasury to the credit of the hazardous waste facility 2631
management fund created in section 3734.18 of the Revised Code 2632
and sixty cents of the proceeds of which shall be deposited in 2633
the state treasury to the credit of the hazardous waste clean-up 2634
fund created in section 3734.28 of the Revised Code; 2635

(2) An additional ninety cents per ton through June 30, 2636
2026, the proceeds of which shall be deposited in the state 2637
treasury to the credit of the waste management fund created in 2638
section 3734.061 of the Revised Code; 2639

(3) An additional two dollars and eighty-one cents per ton 2640
through June 30, 2026, the proceeds of which shall be deposited 2641
in the state treasury to the credit of the environmental 2642
protection fund created in section 3745.015 of the Revised Code; 2643

(4) An additional twenty-five cents per ton through June 2644

30, 2026, the proceeds of which shall be deposited in the state 2645
treasury to the credit of the soil and water conservation 2646
district assistance fund created in section 940.15 of the 2647
Revised Code; 2648

(5) An additional eight cents per ton through June 30, 2649
2026, the proceeds of which shall be deposited in the state 2650
treasury to the credit of the national priority list remedial 2651
support fund created in section 3734.579 of the Revised Code. 2652

In the case of solid wastes that are taken to a solid 2653
waste transfer facility located in this state prior to being 2654
transported for disposal at a solid waste disposal facility 2655
located in this state or outside of this state, the fees levied 2656
under this division shall be collected by the owner or operator 2657
of the transfer facility as a trustee for the state. The amount 2658
of fees required to be collected under this division at such a 2659
transfer facility shall equal the total tonnage of solid wastes 2660
received at the facility multiplied by the fees levied under 2661
this division. In the case of solid wastes that are not taken to 2662
a solid waste transfer facility located in this state prior to 2663
being transported to a solid waste disposal facility, the fees 2664
shall be collected by the owner or operator of the solid waste 2665
disposal facility as a trustee for the state. The amount of fees 2666
required to be collected under this division at such a disposal 2667
facility shall equal the total tonnage of solid wastes received 2668
at the facility that was not previously taken to a solid waste 2669
transfer facility located in this state multiplied by the fees 2670
levied under this division. Fees levied under this division do 2671
not apply to materials separated from a mixed waste stream for 2672
recycling by a generator or materials removed from the solid 2673
waste stream through recycling, as "recycling" is defined in 2674
rules adopted under section 3734.02 of the Revised Code. 2675

The owner or operator of a solid waste transfer facility 2676
or disposal facility, as applicable, shall prepare and file with 2677
the director of environmental protection each month a return 2678
indicating the total tonnage of solid wastes received at the 2679
facility during that month and the total amount of the fees 2680
required to be collected under this division during that month. 2681
In addition, the owner or operator of a solid waste disposal 2682
facility shall indicate on the return the total tonnage of solid 2683
wastes received from transfer facilities located in this state 2684
during that month for which the fees were required to be 2685
collected by the transfer facilities. The monthly returns shall 2686
be filed on a form prescribed by the director. Not later than 2687
thirty days after the last day of the month to which a return 2688
applies, the owner or operator shall mail to the director the 2689
return for that month together with the fees required to be 2690
collected under this division during that month as indicated on 2691
the return or may submit the return and fees electronically in a 2692
manner approved by the director. If the return is filed and the 2693
amount of the fees due is paid in a timely manner as required in 2694
this division, the owner or operator may retain a discount of 2695
three-fourths of one per cent of the total amount of the fees 2696
that are required to be paid as indicated on the return. 2697

The owner or operator may request an extension of not more 2698
than thirty days for filing the return and remitting the fees, 2699
provided that the owner or operator has submitted such a request 2700
in writing to the director together with a detailed description 2701
of why the extension is requested, the director has received the 2702
request not later than the day on which the return is required 2703
to be filed, and the director has approved the request. If the 2704
fees are not remitted within thirty days after the last day of 2705
the month to which the return applies or are not remitted by the 2706

last day of an extension approved by the director, the owner or 2707
operator shall not retain the three-fourths of one per cent 2708
discount and shall pay an additional ten per cent of the amount 2709
of the fees for each month that they are late. For purposes of 2710
calculating the late fee, the first month in which fees are late 2711
begins on the first day after the deadline has passed for timely 2712
submitting the return and fees, and one additional month shall 2713
be counted every thirty days thereafter. 2714

The owner or operator of a solid waste facility may 2715
request a refund or credit of fees levied under this division 2716
and remitted to the director that have not been paid to the 2717
owner or operator. Such a request shall be made only if the fees 2718
have not been collected by the owner or operator, have become a 2719
debt that has become worthless or uncollectable for a period of 2720
six months or more, and may be claimed as a deduction, including 2721
a deduction claimed if the owner or operator keeps accounts on 2722
an accrual basis, under the "Internal Revenue Code of 1954," 68A 2723
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 2724
under it. Prior to making a request for a refund or credit, an 2725
owner or operator shall make reasonable efforts to collect the 2726
applicable fees. A request for a refund or credit shall not 2727
include any costs resulting from those efforts to collect unpaid 2728
fees. 2729

A request for a refund or credit of fees shall be made in 2730
writing, on a form prescribed by the director, and shall be 2731
supported by evidence that may be required in rules adopted by 2732
the director under this chapter. After reviewing the request, 2733
and if the request and evidence submitted with the request 2734
indicate that a refund or credit is warranted, the director 2735
shall grant a refund to the owner or operator or shall permit a 2736
credit to be taken by the owner or operator on a subsequent 2737

monthly return submitted by the owner or operator. The amount of 2738
a refund or credit shall not exceed an amount that is equal to 2739
ninety days' worth of fees owed to an owner or operator by a 2740
particular debtor of the owner or operator. A refund or credit 2741
shall not be granted by the director to an owner or operator 2742
more than once in any twelve-month period for fees owed to the 2743
owner or operator by a particular debtor. 2744

If, after receiving a refund or credit from the director, 2745
an owner or operator receives payment of all or part of the 2746
fees, the owner or operator shall remit the fees with the next 2747
monthly return submitted to the director together with a written 2748
explanation of the reason for the submittal. 2749

For purposes of computing the fees levied under this 2750
division or division (B) of this section, any solid waste 2751
transfer or disposal facility that does not use scales as a 2752
means of determining gate receipts shall use a conversion factor 2753
of three cubic yards per ton of solid waste or one cubic yard 2754
per ton for baled waste, as applicable. 2755

The fees levied under this division and divisions (B) and 2756
(C) of this section are in addition to all other applicable fees 2757
and taxes and shall be paid by the customer or a political 2758
subdivision to the owner or operator of a solid waste transfer 2759
or disposal facility. In the alternative, the fees shall be paid 2760
by a customer or political subdivision to a transporter of waste 2761
who subsequently transfers the fees to the owner or operator of 2762
such a facility. The fees shall be paid notwithstanding the 2763
existence of any provision in a contract that the customer or a 2764
political subdivision may have with the owner or operator or 2765
with a transporter of waste to the facility that would not 2766
require or allow such payment regardless of whether the contract 2767

was entered prior to or after October 16, 2009. For those 2768
purposes, "customer" means a person who contracts with, or 2769
utilizes the solid waste services of, the owner or operator of a 2770
solid waste transfer or disposal facility or a transporter of 2771
solid waste to such a facility. 2772

(B) For the purposes specified in division (G) of this 2773
section, the solid waste management policy committee of a county 2774
or joint solid waste management district may levy fees upon the 2775
following activities: 2776

(1) The disposal at a solid waste disposal facility 2777
located in the district of solid wastes generated within the 2778
district; 2779

(2) The disposal at a solid waste disposal facility within 2780
the district of solid wastes generated outside the boundaries of 2781
the district, but inside this state; 2782

(3) The disposal at a solid waste disposal facility within 2783
the district of solid wastes generated outside the boundaries of 2784
this state. 2785

The solid waste management plan of the county or joint 2786
district approved under section 3734.521 or 3734.55 of the 2787
Revised Code and any amendments to it, or the resolution adopted 2788
under this division, as appropriate, shall establish the rates 2789
of the fees levied under divisions (B) (1), (2), and (3) of this 2790
section, if any, and shall specify whether the fees are levied 2791
on the basis of tons or cubic yards as the unit of measurement. 2792
A solid waste management district that levies fees under this 2793
division on the basis of cubic yards shall do so in accordance 2794
with division (A) of this section. 2795

The fee levied under division (B) (1) of this section shall 2796

be not less than one dollar per ton nor more than two dollars 2797
per ton, the fee levied under division (B) (2) of this section 2798
shall be not less than two dollars per ton nor more than four 2799
dollars per ton, and the fee levied under division (B) (3) of 2800
this section shall be not more than the fee levied under 2801
division (B) (1) of this section. 2802

Prior to the approval of the solid waste management plan 2803
of a district under section 3734.55 of the Revised Code, the 2804
solid waste management policy committee of a district may levy 2805
fees under this division by adopting a resolution establishing 2806
the proposed amount of the fees. Upon adopting the resolution, 2807
the committee shall deliver a copy of the resolution to the 2808
board of county commissioners of each county forming the 2809
district and to the legislative authority of each municipal 2810
corporation and township under the jurisdiction of the district 2811
and shall prepare and publish the resolution and a notice of the 2812
time and location where a public hearing on the fees will be 2813
held. Upon adopting the resolution, the committee shall deliver 2814
written notice of the adoption of the resolution; of the amount 2815
of the proposed fees; and of the date, time, and location of the 2816
public hearing to the director and to the fifty industrial, 2817
commercial, or institutional generators of solid wastes within 2818
the district that generate the largest quantities of solid 2819
wastes, as determined by the committee, and to their local trade 2820
associations. The committee shall make good faith efforts to 2821
identify those generators within the district and their local 2822
trade associations, but the nonprovision of notice under this 2823
division to a particular generator or local trade association 2824
does not invalidate the proceedings under this division. The 2825
publication shall occur at least thirty days before the hearing. 2826
After the hearing, the committee may make such revisions to the 2827

proposed fees as it considers appropriate and thereafter, by 2828
resolution, shall adopt the revised fee schedule. Upon adopting 2829
the revised fee schedule, the committee shall deliver a copy of 2830
the resolution doing so to the board of county commissioners of 2831
each county forming the district and to the legislative 2832
authority of each municipal corporation and township under the 2833
jurisdiction of the district. Within sixty days after the 2834
delivery of a copy of the resolution adopting the proposed 2835
revised fees by the policy committee, each such board and 2836
legislative authority, by ordinance or resolution, shall approve 2837
or disapprove the revised fees and deliver a copy of the 2838
ordinance or resolution to the committee. If any such board or 2839
legislative authority fails to adopt and deliver to the policy 2840
committee an ordinance or resolution approving or disapproving 2841
the revised fees within sixty days after the policy committee 2842
delivered its resolution adopting the proposed revised fees, it 2843
shall be conclusively presumed that the board or legislative 2844
authority has approved the proposed revised fees. The committee 2845
shall determine if the resolution has been ratified in the same 2846
manner in which it determines if a draft solid waste management 2847
plan has been ratified under division (B) of section 3734.55 of 2848
the Revised Code. 2849

The committee may amend the schedule of fees levied 2850
pursuant to a resolution adopted and ratified under this 2851
division by adopting a resolution establishing the proposed 2852
amount of the amended fees. The committee may repeal the fees 2853
levied pursuant to such a resolution by adopting a resolution 2854
proposing to repeal them. Upon adopting such a resolution, the 2855
committee shall proceed to obtain ratification of the resolution 2856
in accordance with this division. 2857

Not later than fourteen days after declaring the new fees 2858

to be ratified or the fees to be repealed under this division, 2859
the committee shall notify by certified mail the owner or 2860
operator of each solid waste disposal facility that is required 2861
to collect the fees of the ratification and the amount of the 2862
fees or of the repeal of the fees. Collection of any fees shall 2863
commence or collection of repealed fees shall cease on the first 2864
day of the second month following the month in which 2865
notification is sent to the owner or operator. 2866

Fees levied under this division also may be established, 2867
amended, or repealed by a solid waste management policy 2868
committee through the adoption of a new district solid waste 2869
management plan, the adoption of an amended plan, or the 2870
amendment of the plan or amended plan in accordance with 2871
sections 3734.55 and 3734.56 of the Revised Code or the adoption 2872
or amendment of a district plan in connection with a change in 2873
district composition under section 3734.521 of the Revised Code. 2874

Not later than fourteen days after the director issues an 2875
order approving a district's solid waste management plan, 2876
amended plan, or amendment to a plan or amended plan that 2877
establishes, amends, or repeals a schedule of fees levied by the 2878
district, the committee shall notify by certified mail the owner 2879
or operator of each solid waste disposal facility that is 2880
required to collect the fees of the approval of the plan or 2881
amended plan, or the amendment to the plan, as appropriate, and 2882
the amount of the fees, if any. In the case of an initial or 2883
amended plan approved under section 3734.521 of the Revised Code 2884
in connection with a change in district composition, other than 2885
one involving the withdrawal of a county from a joint district, 2886
the committee, within fourteen days after the change takes 2887
effect pursuant to division ~~(G)~~ (E) of that section, shall notify 2888
by certified mail the owner or operator of each solid waste 2889

disposal facility that is required to collect the fees that the 2890
change has taken effect and of the amount of the fees, if any. 2891
Collection of any fees shall commence or collection of repealed 2892
fees shall cease on the first day of the second month following 2893
the month in which notification is sent to the owner or 2894
operator. 2895

If, in the case of a change in district composition 2896
involving the withdrawal of a county from a joint district, the 2897
director completes the actions required under ~~division (C) (1) or~~ 2898
~~(3) of section 3734.521-3734.522~~ of the Revised Code, ~~as~~ 2899
~~appropriate,~~ forty-five days or more before the beginning of a 2900
calendar year, the policy committee of each of the districts 2901
resulting from the change that obtained the director's approval 2902
of an initial or amended plan in connection with the change, 2903
within fourteen days after the director's completion of the 2904
required actions, shall notify by certified mail the owner or 2905
operator of each solid waste disposal facility that is required 2906
to collect the district's fees that the change is to take effect 2907
on the first day of January immediately following the issuance 2908
of the notice and of the amount of the fees or amended fees 2909
levied under divisions (B) (1) to (3) of this section pursuant to 2910
the district's initial or amended plan as so approved or, if 2911
appropriate, the repeal of the district's fees by that initial 2912
or amended plan. Collection of any fees set forth in such a plan 2913
or amended plan shall commence on the first day of January 2914
immediately following the issuance of the notice. If such an 2915
initial or amended plan repeals a schedule of fees, collection 2916
of the fees shall cease on that first day of January. 2917

If, in the case of a change in district composition 2918
involving the withdrawal of a county from a joint district, the 2919
director completes the actions required under ~~division (C) (1) or~~ 2920

~~(3) of section 3734.521-3734.522~~ of the Revised Code, ~~as~~ 2921
~~appropriate,~~ less than forty-five days before the beginning of a 2922
calendar year, the director, on behalf of each of the districts 2923
resulting from the change that obtained the director's approval 2924
of an initial or amended plan in connection with the change 2925
proceedings, shall notify by certified mail the owner or 2926
operator of each solid waste disposal facility that is required 2927
to collect the district's fees that the change is to take effect 2928
on the first day of January immediately following the mailing of 2929
the notice and of the amount of the fees or amended fees levied 2930
under divisions (B)(1) to (3) of this section pursuant to the 2931
district's initial or amended plan as so approved or, if 2932
appropriate, the repeal of the district's fees by that initial 2933
or amended plan. Collection of any fees set forth in such a plan 2934
or amended plan shall commence on the first day of the second 2935
month following the month in which notification is sent to the 2936
owner or operator. If such an initial or amended plan repeals a 2937
schedule of fees, collection of the fees shall cease on the 2938
first day of the second month following the month in which 2939
notification is sent to the owner or operator. 2940

If the schedule of fees that a solid waste management 2941
district is levying under divisions (B)(1) to (3) of this 2942
section is amended or repealed, the fees in effect immediately 2943
prior to the amendment or repeal shall continue to be collected 2944
until collection of the amended fees commences or collection of 2945
the repealed fees ceases, as applicable, as specified in this 2946
division. In the case of a change in district composition, money 2947
so received from the collection of the fees of the former 2948
districts shall be divided among the resulting districts in 2949
accordance with ~~division (B) of section 343.012-3734.522~~ of the 2950
Revised Code and the agreements entered into under division (B) 2951

of section 343.01 of the Revised Code to establish the former 2952
and resulting districts and any amendments to those agreements. 2953

For the purposes of the provisions of division (B) of this 2954
section establishing the times when newly established or amended 2955
fees levied by a district are required to commence and the 2956
collection of fees that have been amended or repealed is 2957
required to cease, "fees" or "schedule of fees" includes, in 2958
addition to fees levied under divisions (B) (1) to (3) of this 2959
section, those levied under section 3734.573 or 3734.574 of the 2960
Revised Code. 2961

(C) For the purposes of defraying the added costs to a 2962
municipal corporation or township of maintaining roads and other 2963
public facilities and of providing emergency and other public 2964
services, and compensating a municipal corporation or township 2965
for reductions in real property tax revenues due to reductions 2966
in real property valuations resulting from the location and 2967
operation of a solid waste disposal facility within the 2968
municipal corporation or township, a municipal corporation or 2969
township in which such a solid waste disposal facility is 2970
located may levy a fee of not more than twenty-five cents per 2971
ton on the disposal of solid wastes at a solid waste disposal 2972
facility located within the boundaries of the municipal 2973
corporation or township regardless of where the wastes were 2974
generated. 2975

The legislative authority of a municipal corporation or 2976
township may levy fees under this division by enacting an 2977
ordinance or adopting a resolution establishing the amount of 2978
the fees. Upon so doing the legislative authority shall mail a 2979
certified copy of the ordinance or resolution to the board of 2980
county commissioners or directors of the county or joint solid 2981

waste management district in which the municipal corporation or 2982
township is located or, if a regional solid waste management 2983
authority has been formed under section 343.011 of the Revised 2984
Code, to the board of trustees of that regional authority, the 2985
owner or operator of each solid waste disposal facility in the 2986
municipal corporation or township that is required to collect 2987
the fee by the ordinance or resolution, and the director of 2988
environmental protection. Although the fees levied under this 2989
division are levied on the basis of tons as the unit of 2990
measurement, the legislative authority, in its ordinance or 2991
resolution levying the fees under this division, may direct that 2992
the fees be levied on the basis of cubic yards as the unit of 2993
measurement based upon a conversion factor of three cubic yards 2994
per ton generally or one cubic yard per ton for baled wastes. 2995

Not later than five days after enacting an ordinance or 2996
adopting a resolution under this division, the legislative 2997
authority shall so notify by certified mail the owner or 2998
operator of each solid waste disposal facility that is required 2999
to collect the fee. Collection of any fee levied on or after 3000
March 24, 1992, shall commence on the first day of the second 3001
month following the month in which notification is sent to the 3002
owner or operator. 3003

(D) (1) The fees levied under divisions (A), (B), and (C) 3004
of this section do not apply to the disposal of solid wastes 3005
that: 3006

(a) Are disposed of at a facility owned by the generator 3007
of the wastes when the solid waste facility exclusively disposes 3008
of solid wastes generated at one or more premises owned by the 3009
generator regardless of whether the facility is located on a 3010
premises where the wastes are generated; 3011

(b) Are generated from the combustion of coal, or from the 3012
combustion of primarily coal, regardless of whether the disposal 3013
facility is located on the premises where the wastes are 3014
generated; 3015

(c) Are asbestos or asbestos-containing materials or 3016
products disposed of at a construction and demolition debris 3017
facility that is licensed under Chapter 3714. of the Revised 3018
Code or at a solid waste facility that is licensed under this 3019
chapter. 3020

(2) Except as provided in section 3734.571 of the Revised 3021
Code, any fees levied under division (B)(1) of this section 3022
apply to solid wastes originating outside the boundaries of a 3023
county or joint district that are covered by an agreement for 3024
the joint use of solid waste facilities entered into under 3025
section 343.02 of the Revised Code by the board of county 3026
commissioners or board of directors of the county or joint 3027
district where the wastes are generated and disposed of. 3028

(3) When solid wastes, other than solid wastes that 3029
consist of scrap tires, are burned in a disposal facility that 3030
is an incinerator or energy recovery facility, the fees levied 3031
under divisions (A), (B), and (C) of this section shall be 3032
levied upon the disposal of the fly ash and bottom ash remaining 3033
after burning of the solid wastes and shall be collected by the 3034
owner or operator of the sanitary landfill where the ash is 3035
disposed of. 3036

(4) When solid wastes are delivered to a solid waste 3037
transfer facility, the fees levied under divisions (B) and (C) 3038
of this section shall be levied upon the disposal of solid 3039
wastes transported off the premises of the transfer facility for 3040
disposal and shall be collected by the owner or operator of the 3041

solid waste disposal facility where the wastes are disposed of. 3042

(5) The fees levied under divisions (A), (B), and (C) of 3043
this section do not apply to sewage sludge that is generated by 3044
a waste water treatment facility holding a national pollutant 3045
discharge elimination system permit and that is disposed of 3046
through incineration, land application, or composting or at 3047
another resource recovery or disposal facility that is not a 3048
landfill. 3049

(6) The fees levied under divisions (A), (B), and (C) of 3050
this section do not apply to solid wastes delivered to a solid 3051
waste composting facility for processing. When any unprocessed 3052
solid waste or compost product is transported off the premises 3053
of a composting facility and disposed of at a landfill, the fees 3054
levied under divisions (A), (B), and (C) of this section shall 3055
be collected by the owner or operator of the landfill where the 3056
unprocessed waste or compost product is disposed of. 3057

(7) When solid wastes that consist of scrap tires are 3058
processed at a scrap tire recovery facility, the fees levied 3059
under divisions (A), (B), and (C) of this section shall be 3060
levied upon the disposal of the fly ash and bottom ash or other 3061
solid wastes remaining after the processing of the scrap tires 3062
and shall be collected by the owner or operator of the solid 3063
waste disposal facility where the ash or other solid wastes are 3064
disposed of. 3065

(8) The director of environmental protection may issue an 3066
order exempting from the fees levied under this section solid 3067
wastes, including, but not limited to, scrap tires, that are 3068
generated, transferred, or disposed of as a result of a contract 3069
providing for the expenditure of public funds entered into by 3070
the administrator or regional administrator of the United States 3071

environmental protection agency, the director of environmental 3072
protection, or the director of administrative services on behalf 3073
of the director of environmental protection for the purpose of 3074
remediating conditions at a hazardous waste facility, solid 3075
waste facility, or other location at which the administrator or 3076
regional administrator or the director of environmental 3077
protection has reason to believe that there is a substantial 3078
threat to public health or safety or the environment or that the 3079
conditions are causing or contributing to air or water pollution 3080
or soil contamination. An order issued by the director of 3081
environmental protection under division (D) (8) of this section 3082
shall include a determination that the amount of the fees not 3083
received by a solid waste management district as a result of the 3084
order will not adversely impact the implementation and financing 3085
of the district's approved solid waste management plan and any 3086
approved amendments to the plan. Such an order is a final action 3087
of the director of environmental protection. 3088

(E) The fees levied under divisions (B) and (C) of this 3089
section shall be collected by the owner or operator of the solid 3090
waste disposal facility where the wastes are disposed of as a 3091
trustee for the county or joint district and municipal 3092
corporation or township where the wastes are disposed of. Moneys 3093
from the fees levied under division (B) of this section shall be 3094
forwarded to the board of county commissioners or board of 3095
directors of the district in accordance with rules adopted under 3096
division (H) of this section. Moneys from the fees levied under 3097
division (C) of this section shall be forwarded to the treasurer 3098
or such other officer of the municipal corporation as, by virtue 3099
of the charter, has the duties of the treasurer or to the fiscal 3100
officer of the township, as appropriate, in accordance with 3101
those rules. 3102

(F) Moneys received by the treasurer or other officer of 3103
the municipal corporation under division (E) of this section 3104
shall be paid into the general fund of the municipal 3105
corporation. Moneys received by the fiscal officer of the 3106
township under that division shall be paid into the general fund 3107
of the township. The treasurer or other officer of the municipal 3108
corporation or the township fiscal officer, as appropriate, 3109
shall maintain separate records of the moneys received from the 3110
fees levied under division (C) of this section. 3111

(G) Moneys received by the board of county commissioners 3112
or board of directors under division (E) of this section or 3113
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 3114
Code shall be paid to the county treasurer, or other official 3115
acting in a similar capacity under a county charter, in a county 3116
district or to the county treasurer or other official designated 3117
by the board of directors in a joint district and kept in a 3118
separate and distinct fund to the credit of the district. If a 3119
regional solid waste management authority has been formed under 3120
section 343.011 of the Revised Code, moneys received by the 3121
board of trustees of that regional authority under division (E) 3122
of this section shall be kept by the board in a separate and 3123
distinct fund to the credit of the district. Moneys in the 3124
special fund of the county or joint district arising from the 3125
fees levied under division (B) of this section and the fee 3126
levied under division (A) of section 3734.573 of the Revised 3127
Code shall be expended by the board of county commissioners or 3128
directors of the district in accordance with the district's 3129
solid waste management plan or amended plan approved under 3130
section 3734.521, 3734.55, or 3734.56 of the Revised Code 3131
exclusively for the following purposes: 3132

(1) Preparation of the solid waste management plan of the 3133

district under section 3734.54 of the Revised Code, monitoring 3134
implementation of the plan, and conducting the periodic review 3135
and amendment of the plan required by section 3734.56 of the 3136
Revised Code by the solid waste management policy committee; 3137

(2) Implementation of the approved solid waste management 3138
plan or amended plan of the district, including, without 3139
limitation, the development and implementation of solid waste 3140
recycling or reduction programs; 3141

(3) Providing financial assistance to boards of health 3142
within the district, if solid waste facilities are located 3143
within the district, for enforcement of this chapter and rules, 3144
orders, and terms and conditions of permits, licenses, and 3145
variances adopted or issued under it, other than the hazardous 3146
waste provisions of this chapter and rules adopted and orders 3147
and terms and conditions of permits issued under those 3148
provisions; 3149

(4) Providing financial assistance to each county within 3150
the district to defray the added costs of maintaining roads and 3151
other public facilities and of providing emergency and other 3152
public services resulting from the location and operation of a 3153
solid waste facility within the county under the district's 3154
approved solid waste management plan or amended plan; 3155

(5) Pursuant to contracts entered into with boards of 3156
health within the district, if solid waste facilities contained 3157
in the district's approved plan or amended plan are located 3158
within the district, for paying the costs incurred by those 3159
boards of health for collecting and analyzing samples from 3160
public or private water wells on lands adjacent to those 3161
facilities; 3162

(6) Developing and implementing a program for the 3163
inspection of solid wastes generated outside the boundaries of 3164
this state that are disposed of at solid waste facilities 3165
included in the district's approved solid waste management plan 3166
or amended plan; 3167

(7) Providing financial assistance to boards of health 3168
within the district for the enforcement of section 3734.03 of 3169
the Revised Code or to local law enforcement agencies having 3170
jurisdiction within the district for enforcing anti-littering 3171
laws and ordinances; 3172

(8) Providing financial assistance to boards of health of 3173
health districts within the district that are on the approved 3174
list under section 3734.08 of the Revised Code to defray the 3175
costs to the health districts for the participation of their 3176
employees responsible for enforcement of the solid waste 3177
provisions of this chapter and rules adopted and orders and 3178
terms and conditions of permits, licenses, and variances issued 3179
under those provisions in the training and certification program 3180
as required by rules adopted under division (L) of section 3181
3734.02 of the Revised Code; 3182

(9) Providing financial assistance to individual municipal 3183
corporations and townships within the district to defray their 3184
added costs of maintaining roads and other public facilities and 3185
of providing emergency and other public services resulting from 3186
the location and operation within their boundaries of a 3187
composting, energy or resource recovery, incineration, or 3188
recycling facility that either is owned by the district or is 3189
furnishing solid waste management facility or recycling services 3190
to the district pursuant to a contract or agreement with the 3191
board of county commissioners or directors of the district; 3192

(10) Payment of any expenses that are agreed to, awarded, 3193
or ordered to be paid under section 3734.35 of the Revised Code 3194
and of any administrative costs incurred pursuant to that 3195
section. In the case of a joint solid waste management district, 3196
if the board of county commissioners of one of the counties in 3197
the district is negotiating on behalf of affected communities, 3198
as defined in that section, in that county, the board shall 3199
obtain the approval of the board of directors of the district in 3200
order to expend moneys for administrative costs incurred. 3201

(11) Providing financial assistance to individual 3202
counties, boards of health, municipal corporations, and 3203
townships for the costs of mitigating impacts to public health, 3204
safety, and welfare of solid waste disposal or transfer 3205
facilities within the applicable political subdivision. 3206

Prior to the approval of the district's solid waste 3207
management plan under section 3734.55 of the Revised Code, 3208
moneys in the special fund of the district arising from the fees 3209
shall be expended for those purposes in the manner prescribed by 3210
the solid waste management policy committee by resolution. 3211

~~Notwithstanding division (G) (6) of this section as it 3212~~
~~existed prior to October 29, 1993, or any provision in a 3213~~
~~district's solid waste management plan prepared in accordance 3214~~
~~with division (B) (2) (e) of section 3734.53 of the Revised Code 3215~~
~~as it existed prior to that date, any moneys arising from the 3216~~
~~fees levied under division (B) (3) of this section prior to 3217~~
~~January 1, 1994, may be expended for any of the purposes 3218~~
~~authorized in divisions (G) (1) to (10) of this section. 3219~~

(H) The director shall adopt rules in accordance with 3220
Chapter 119. of the Revised Code prescribing procedures for 3221
collecting and forwarding the fees levied under divisions (B) 3222

and (C) of this section to the boards of county commissioners or 3223
directors of county or joint solid waste management districts 3224
and to the treasurers or other officers of municipal 3225
corporations and the fiscal officers of townships. The rules 3226
also shall prescribe the dates for forwarding the fees to the 3227
boards and officials and may prescribe any other requirements 3228
the director considers necessary or appropriate to implement and 3229
administer divisions (A), (B), and (C) of this section. 3230

Sec. 3734.574. (A) (1) A county or joint solid waste 3231
management district that is levying fees under division (B) of 3232
section 3734.57 of the Revised Code on October 29, 1993, 3233
pursuant to a resolution adopted under that division and former 3234
Section 25 of Am. Sub. S.B. 359 of the 119th general assembly, 3235
or one that is levying those fees pursuant to such a resolution 3236
and for which the director of environmental protection 3237
disapproves the initial solid waste management plan of the 3238
district under section 3734.55 of the Revised Code on or after 3239
October 29, 1993, may continue to ~~levy~~ levy those fees until 3240
the district abolishes them under division (D) of this section, 3241
the director issues an order under division (F) of this section 3242
requiring the district to cease levying the fees, or the 3243
district obtains approval of its own plan under section 3734.521 3244
or 3734.56 of the Revised Code and collection of the fees 3245
established in the approved plan commences in accordance with 3246
division (B) of section 3734.57 of the Revised Code. 3247

(2) A county or joint solid waste management district that 3248
is levying fees under division (B) of section 3734.57 of the 3249
Revised Code or division (A) of section 3734.573 of the Revised 3250
Code under an initial or amended solid waste management plan 3251
approved under section 3734.521, 3734.55, or 3734.56 of the 3252
Revised Code when the director issues an order under division 3253

(D) ~~or (F)~~ of section 3734.521 of the Revised Code or division 3254
(A) or (B) of section 3734.56 of the Revised Code requiring the 3255
district to implement an amended plan prepared by the director, 3256
may continue to levy those fees until the district abolishes 3257
them under division (D) of this section, the director issues an 3258
order under division (F) of this section requiring the district 3259
to cease levying the fees, or the district obtains approval of 3260
its own plan or amended plan under section 3734.521 or 3734.56 3261
of the Revised Code and collection of the fees established in 3262
the approved plan or amended plan commences in accordance with 3263
division (B) of section 3734.57 of the Revised Code. 3264

(B) The solid waste management policy committee of a 3265
county or joint district described in division (A)(1) of this 3266
section may ~~a~~levy a fee under division (A) of section 3734.573 3267
of the Revised Code by adopting and obtaining ratification of a 3268
resolution establishing the amount of the fee. The policy 3269
committee of such a district that, after December 1, 1993, 3270
concurrently proposes to levy a fee under division (A) of 3271
section 3734.573 of the Revised Code and to amend the fees that 3272
the district is levying under division (B) of section 3734.57 of 3273
the Revised Code may adopt and obtain ratification of one 3274
resolution to do both. A county or joint district that is 3275
ordered under division (D) ~~or (F)~~ of section 3734.521 of the 3276
Revised Code to implement an initial plan prepared by the 3277
director may levy fees under division (B) of section 3734.57 of 3278
the Revised Code or division (A) of section 3734.573 of the 3279
Revised Code by adopting and obtaining ratification of a 3280
resolution specifying which of the fees are to be levied and 3281
their amounts. The requirements and procedures set forth in 3282
division (B) of section 3734.57 of the Revised Code governing 3283
the adoption of resolutions levying fees under that division, 3284

the ratification of those resolutions, and the notification of 3285
owners and operators of solid waste facilities required to 3286
collect fees under those divisions govern the adoption and 3287
ratification of resolutions levying fees under this division and 3288
the notification of owners and operators required to collect the 3289
fees levied under this division, except as otherwise 3290
specifically provided in division (C) of this section. Any such 3291
district may levy fees under this division until the district 3292
abolishes the fees under division (D) of this section, the 3293
director issues an order under division (F) of this section 3294
requiring the district to cease levying the fees, or the 3295
district obtains approval of its own plan or amended plan under 3296
section 3734.521 or 3734.56 of the Revised Code and collection 3297
of the fees established in the approved plan or amended plan 3298
commences in accordance with division (B) of section 3734.57 of 3299
the Revised Code. 3300

(C) Any resolution adopted under division (B) of this 3301
section that proposes to levy a fee under division (A) of 3302
section 3734.573 of the Revised Code that exceeds five dollars 3303
per ton shall be ratified in accordance with the provisions of 3304
division (B) of section 3734.57 of the Revised Code, except that 3305
such a resolution shall be approved by a combination of 3306
municipal corporations and townships with a combined population 3307
within the boundaries of the district comprising at least 3308
seventy-five per cent, rather than at least sixty per cent, of 3309
the total population of the district. 3310

(D) The policy committee of a county or joint district may 3311
amend fees levied by the district under division (A) or (B) of 3312
this section by adopting and obtaining ratification of a 3313
resolution establishing the proposed amount of the amended fees. 3314
The committee may abolish any of those fees or any amended fees 3315

established under this division by adopting and obtaining 3316
ratification of a resolution repealing them. A district that is 3317
proposing at the same time to amend or abolish the fees levied 3318
under divisions (A) and (B) of this section may adopt one 3319
resolution proposing the amendment or repeal of all of the fees. 3320
The requirements and procedures under division (B) and, if 3321
applicable, division (C) of this section govern the adoption and 3322
ratification of a resolution authorized to be adopted under this 3323
division and the notification of owners and operators of solid 3324
waste facilities required to collect the fees. Collection of the 3325
fees so amended or abolished commences or ceases in accordance 3326
with division (B) of section 3734.57 of the Revised Code. 3327

(E) Not later than thirty days before the beginning of 3328
each calendar quarter, the board of county commissioners or 3329
board of directors of a district that is levying fees under 3330
division (A) or (B) of this section shall submit to the director 3331
a proposed budget for the expenditure of moneys from the special 3332
fund of the district created under division (G) of section 3333
3734.57 of the Revised Code. The proposed budget shall be 3334
submitted on a form prescribed by the director. 3335

The director may disapprove in whole or in part such a 3336
proposed quarterly budget for any of the following reasons: 3337

(1) The proposed budget includes expenditures for any 3338
purpose other than those authorized under ~~divisions (G) (1) to~~ 3339
~~(10)~~ division (G) of section 3734.57 of the Revised Code; 3340

(2) The director reasonably estimates that there will be 3341
insufficient moneys in the special fund created to meet the 3342
proposed expenditures; 3343

(3) The board failed to submit the proposed budget to the 3344

director at least thirty days prior to the beginning of the 3345
calendar quarter to which it pertains; 3346

(4) The board failed to submit the latest report of 3347
quarterly expenditures from the fund that it was required to 3348
submit under section 3734.575 of the Revised Code within thirty 3349
days after the end of the calendar quarter to which it pertains; 3350

(5) The district is materially failing to comply with the 3351
implementation schedule contained in the plan or amended plan of 3352
the district prepared and ordered to be implemented under 3353
section 3734.521, 3734.55, or 3734.56 of the Revised Code; 3354

(6) There have been repeated inconsistencies between the 3355
expenditures projected in the proposed budgets submitted under 3356
division (E) of this section and actual expenditures from the 3357
fund. 3358

If the director does not disapprove a proposed quarterly 3359
budget prior to the first day of the calendar quarter to which 3360
it pertains, it is conclusively presumed that the proposed 3361
budget has not been disapproved. 3362

Nothing in division (E) of this section precludes the 3363
board of county commissioners or directors of a district from 3364
making necessary expenditures to meet unforeseen circumstances 3365
that occur during a calendar quarter that were not provided for 3366
in the proposed budget for that quarter. Prior to making any 3367
such expenditure, the board shall notify the director of the 3368
nature of the unforeseen circumstances and of the amount of the 3369
expenditure needed to meet them. The board shall include an 3370
explanation of the nature of the unforeseen circumstances and of 3371
the necessity and amount of the expenditures to meet them in the 3372
quarterly expenditure report for the quarter in which the 3373

expenditures were made that is submitted to the director under 3374
section 3734.575 of the Revised Code. 3375

(F) If the director finds that the board of county 3376
commissioners or directors of a district that is levying fees 3377
under division (A) or (B) of this section is in material and 3378
continued noncompliance with the implementation schedule 3379
contained in the plan or amended plan of the district prepared 3380
and ordered to be implemented under section 3734.521, 3734.55, 3381
or 3734.56 of the Revised Code, or if repeated whole or partial 3382
disapprovals of the proposed quarterly budgets of the district 3383
have occurred under division (E) of this section, the director 3384
may issue an order to the board terminating the collection of 3385
all of the fees levied by the district under division (A) or (B) 3386
of this section. 3387

Notwithstanding section 119.06 of the Revised Code, the 3388
director may issue an order under this division or disapprove in 3389
whole or in part a proposed budget under division (E) of this 3390
section by issuance of a final action that is effective upon 3391
issuance without the necessity to hold any adjudication hearing 3392
in connection with the order or disapproval and without the 3393
issuance of a proposed action under section 3745.07 of the 3394
Revised Code. 3395

(G) The director, in accordance with Chapter 119. of the 3396
Revised Code, may adopt, amend, suspend, and rescind such rules 3397
as the director considers to be necessary or appropriate to 3398
implement or administer this section or division (D) of section 3399
3734.55 of the Revised Code. 3400

(H) Moneys received by a district levying fees under 3401
division (A) or (B) of this section shall be credited to the 3402
special fund of the district created in division (G) of section 3403

3734.57 of the Revised Code and shall be used exclusively for 3404
the purposes set forth in ~~divisions (C) (1) to (10)~~ division (G) 3405
of that section in the manner prescribed by the solid waste 3406
management policy committee of the district by resolution and 3407
for the purposes of section 3734.551 of the Revised Code. 3408

Section 2. That existing sections 343.01, 343.011, 3409
343.012, 343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3410
3734.56, 3734.57, and 3734.574 of the Revised Code are hereby 3411
repealed. 3412

Section 3. Section 3734.56 of the Revised Code is 3413
presented in this act as a composite of the section as amended 3414
by both S.B. 153 and S.B. 165 of the 120th General Assembly. The 3415
General Assembly, applying the principle stated in division (B) 3416
of section 1.52 of the Revised Code that amendments are to be 3417
harmonized if reasonably capable of simultaneous operation, 3418
finds that the composite is the resulting version of the section 3419
in effect prior to the effective date of the section as 3420
presented in this act. 3421