

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

**136th General Assembly**

**Regular Session**

**2025-2026**

**Am. S. B. No. 147**

**Senator Reineke**

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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 (C) (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.

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(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.

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~~(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.~~

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~~(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:

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(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

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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) The board of directors of the joint district shall 2098  
take all actions necessary to ascertain, apportion, and order a 2099  
division of the funds on hand, credits, and real and personal 2100  
property of the district, either in money or in kind, on an 2101  
equitable basis between the district and the withdrawing county, 2102  
effective upon the expiration date of the memorandum of 2103  
understanding. 2104

(G) Notwithstanding any provision of law to the contrary, 2105  
on the date that the memorandum of understanding expires, all of 2106  
the following apply: 2107

(1) The withdrawing county is severed from the joint 2108  
district, becomes a county solid waste management district, and 2109

shall comply with all necessary provisions of Chapter 343. of 2110  
the Revised Code and this chapter that apply to county solid 2111  
waste management districts. The severed county's members on the 2112  
board of directors of the joint district cease to be members of 2113  
that board. That board's power to levy a tax upon taxable 2114  
property in the severed county to support the former joint 2115  
district terminates, except that each county of the former 2116  
district shall continue to levy and collect any taxes levied for 2117  
the payment of indebtedness of the district that was incurred 2118  
prior to the severed county's withdrawal from the district. 2119

(2) The county or counties remaining in the former joint 2120  
district become a county or joint solid waste management 2121  
district, as applicable, and shall comply with all necessary 2122  
provisions of Chapter 343. of the Revised Code and this chapter 2123  
that apply to county or joint solid waste management districts. 2124

(3) The solid waste management policy committee of the 2125  
severed county and such committee of the county or counties of 2126  
the remaining district may form or join a joint solid waste 2127  
management district or a regional solid waste management 2128  
authority as provided in this chapter and Chapter 343. of the 2129  
Revised Code. However, in no circumstance shall the director 2130  
require the county or counties to form or join a joint district 2131  
or regional solid waste management authority. 2132

**Sec. 3734.53.** (A) The solid waste management plan of any 2133  
county or joint solid waste management district shall be 2134  
prepared in a format prescribed by the director of environmental 2135  
protection and shall provide for compliance with the objectives 2136  
of the state solid waste management plan and rules adopted under 2137  
section 3734.50 of the Revised Code. The plan shall provide for, 2138  
demonstrate, and certify the availability of and access to 2139

sufficient solid waste management facility capacity to meet the 2140  
solid waste management needs of the district for the ten-year 2141  
period covered by the plan. The solid waste management policy 2142  
committee of a county or joint district created in section 2143  
3734.54 of the Revised Code may prepare and submit a solid waste 2144  
management plan that covers and makes the required demonstration 2145  
for a longer period of time. 2146

The solid waste management plan shall contain all of the 2147  
following: 2148

(1) An inventory of the sources, composition, and 2149  
quantities of solid wastes generated in the district during the 2150  
current year; 2151

(2) An inventory of all existing facilities where solid 2152  
wastes are being disposed of, all resource recovery facilities, 2153  
and all recycling activities within the district. The inventory 2154  
shall identify each such facility or activity and, for each 2155  
disposal facility, shall estimate the remaining disposal 2156  
capacity available at the facility. The inventory shall be 2157  
accompanied by a map that shows the location of each such 2158  
existing facility or activity. 2159

(3) An inventory of existing solid waste collection 2160  
systems and routes, transportation systems and routes, and 2161  
transfer facilities within the district. The inventory shall 2162  
identify the entities engaging in solid waste collection within 2163  
the district. 2164

(4) An inventory of open dumping sites for solid wastes, 2165  
including solid wastes consisting of scrap tires, and facilities 2166  
for the disposal of fly ash and bottom ash, foundry sand, and 2167  
slag within the district. The inventory shall identify each such 2168



site or facility and shall be accompanied by a map that shows 2169  
the location of each of them. 2170

(5) A projection of population changes within the district 2171  
during the next ten years; 2172

(6) For each year of the forecast period, projections of 2173  
the amounts and composition of solid wastes that will be 2174  
generated within the district, the amounts of solid wastes 2175  
originating outside the district that will be brought into the 2176  
district for disposal or resource recovery, the nature of 2177  
industrial activities within the district, and the effect of 2178  
newly regulated waste streams, solid waste minimization 2179  
activities, and solid waste recycling and reuse activities on 2180  
solid waste generation rates. For each year of the forecast 2181  
period, projections of waste quantities shall be compiled as an 2182  
aggregate quantity of wastes. 2183

(7) An identification of the additional solid waste 2184  
management facilities and the amount of additional capacity 2185  
needed to dispose of the quantities of wastes projected in 2186  
division (A) (6) of this section; 2187

(8) A strategy for identification of sites for the 2188  
additional solid waste management facilities and capacity 2189  
identified under division (A) (7) of this section; 2190

(9) An analysis and comparison of the capital and 2191  
operating costs of the solid waste disposal facilities, solid 2192  
waste resource recovery facilities, and solid waste recycling 2193  
and reuse activities necessary to meet the solid waste 2194  
management needs of the district, projected in five- and ten- 2195  
year increments; 2196

(10) An analysis of expenses for which the district is 2197

liable under section 3734.35 of the Revised Code; 2198

(11) A projection of solid waste transfer facilities that 2199  
will be needed in conjunction with existing solid waste 2200  
facilities and those projected under division (A)(7) of this 2201  
section; 2202

(12) Such other projections as the district considers 2203  
necessary or appropriate to ascertain and meet the solid waste 2204  
management needs of the district during the period covered by 2205  
the plan; 2206

(13) A schedule for implementation of the plan that, when 2207  
applicable, contains all of the following: 2208

(a) An identification of the solid waste disposal, 2209  
transfer, and resource recovery facilities and recycling 2210  
activities contained in the plan where solid wastes generated 2211  
within or transported into the district will be taken for 2212  
disposal, transfer, resource recovery, or recycling. An initial 2213  
or amended plan prepared and ordered to be implemented by the 2214  
director under section 3734.521, 3734.55, or 3734.56 of the 2215  
Revised Code may designate solid waste disposal, transfer, or 2216  
resource recovery facilities or recycling activities that are 2217  
owned by a municipal corporation, county, county or joint solid 2218  
waste management district, township, or township waste disposal 2219  
district created under section 505.28 of the Revised Code for 2220  
which debt issued under Chapter 133., 343., or 6123. of the 2221  
Revised Code is outstanding where solid wastes generated within 2222  
or transported into the district shall be taken for disposal, 2223  
transfer, resource recovery, or recycling. 2224

(b) A schedule for closure of existing solid waste 2225  
facilities, expansion of existing facilities, and establishment 2226

of new facilities. The schedule for expansion of existing 2227  
facilities or establishment of new facilities shall include, 2228  
without limitation, the approximate dates for filing 2229  
applications for appropriate permits to install or modify those 2230  
facilities under section 3734.05 of the Revised Code. 2231

(c) A schedule for implementation of solid waste 2232  
recycling, reuse, and reduction programs needed to meet the 2233  
waste reduction, recycling, reuse, and minimization objectives 2234  
of the state solid waste management plan and rules adopted by 2235  
the director under section 3734.50 of the Revised Code; 2236

(d) The methods of financing implementation of the plan 2237  
and a demonstration of the availability of financial resources 2238  
for that purpose. 2239

(14) A program for providing informational or technical 2240  
assistance regarding source reduction to solid waste generators, 2241  
or particular categories of solid waste generators, within the 2242  
district. The plan shall set forth the types of assistance to be 2243  
provided by the district and the specific categories of 2244  
generators that are to be served. The district has the sole 2245  
discretion to determine the types of assistance that are to be 2246  
provided under the program and the categories of generators to 2247  
be served by it. 2248

(B) In addition to the information, projections, 2249  
demonstrations, and certification required by division (A) of 2250  
this section, a plan shall do all of the following: 2251

(1) Establish the schedule of fees, if any, to be levied 2252  
under divisions (B)(1) to (3) of section 3734.57 of the Revised 2253  
Code; 2254

(2) Establish the fee, if any, to be levied under division 2255

(A) of section 3734.573 of the Revised Code; 2256

(3) Contain provisions governing the allocation among the 2257  
purposes enumerated in ~~divisions (C) (1) to (10)~~ division (G) of 2258  
section 3734.57 of the Revised Code of the moneys credited to 2259  
the special fund of the district under that ~~division (C) of that~~ 2260  
~~section~~ that are available for expenditure by the district ~~under~~ 2261  
~~that division~~. The plan shall do all of the following: 2262

(a) Ensure that sufficient of the moneys so credited to 2263  
and available from the special fund are available for use by the 2264  
solid waste management policy committee of the district at the 2265  
time the moneys are needed to monitor implementation of the plan 2266  
and conduct its periodic review and amendment as required under 2267  
section 3734.56 of the Revised Code; 2268

(b) Contain provisions governing the allocation and 2269  
distribution of moneys credited to and available from the 2270  
special fund of the district to health districts within the 2271  
county or joint district that have approved programs under 2272  
section 3734.08 of the Revised Code for the purposes of division 2273  
(G) (3) of section 3734.57 of the Revised Code; 2274

(c) Contain provisions governing the allocation and 2275  
distribution of moneys credited to and available from the 2276  
special fund of the district to the county in which solid waste 2277  
facilities are or are to be located and operated under the plan 2278  
for the purposes of division (G) (4) of section 3734.57 of the 2279  
Revised Code; 2280

(d) Contain provisions governing the allocation and 2281  
distribution, pursuant to contracts entered into for that 2282  
purpose, of moneys credited to and available from the special 2283  
fund of the district to boards of health within the district in 2284

which solid waste facilities contained in the district's plan 2285  
are located for the purposes of division (G) (5) of section 2286  
3734.57 of the Revised Code. 2287

(4) Incorporate all solid waste recycling activities that 2288  
were in operation within the district on the effective date of 2289  
the plan. 2290

(C) The solid waste management plan of a county or joint 2291  
district may provide for the adoption of rules under division 2292  
(G) of section 343.01 of the Revised Code after approval of the 2293  
plan under section 3734.521 or 3734.55 of the Revised Code doing 2294  
any or all of the following: 2295

(1) Prohibiting or limiting the receipt at facilities 2296  
located within the solid waste management district of solid 2297  
wastes generated outside the district or outside a prescribed 2298  
service area consistent with the projections under divisions (A) 2299  
(6) and (7) of this section. However, rules adopted by a board 2300  
under division (C) (1) of this section may be adopted and 2301  
enforced with respect to solid waste disposal facilities in the 2302  
solid waste management district that are not owned by a county 2303  
or the solid waste management district only if the board submits 2304  
an application to the director of environmental protection that 2305  
demonstrates that there is insufficient capacity to dispose of 2306  
all solid wastes that are generated within the district at the 2307  
solid waste disposal facilities located within the district and 2308  
the director approves the application. The demonstration in the 2309  
application shall be based on projections contained in the plan 2310  
or amended plan of the district. The director shall establish 2311  
the form of the application. The approval or disapproval of such 2312  
an application by the director is an action that is appealable 2313  
under section 3745.04 of the Revised Code. 2314

In addition, the director of environmental protection may 2315  
issue an order modifying a rule authorized to be adopted under 2316  
division (C) (1) of this section to allow the disposal in the 2317  
district of wastes from another county or joint solid waste 2318  
management district if all of the following apply: 2319

(a) The district in which the wastes were generated does 2320  
not have sufficient capacity to dispose of solid wastes 2321  
generated within it for six months following the date of the 2322  
director's order; 2323

(b) No new solid waste facilities will begin operation 2324  
during those six months in the district in which the wastes were 2325  
generated and, despite good faith efforts to do so, it is 2326  
impossible to site new solid waste facilities within the 2327  
district because of its high population density; 2328

(c) The district in which the wastes were generated has 2329  
made good faith efforts to negotiate with other districts to 2330  
incorporate its disposal needs within those districts' solid 2331  
waste management plans, including efforts to develop joint 2332  
facilities authorized under section 343.02 of the Revised Code, 2333  
and the efforts have been unsuccessful; 2334

(d) The district in which the wastes were generated has 2335  
located a facility willing to accept the district's solid wastes 2336  
for disposal within the receiving district; 2337

(e) The district in which the wastes were generated has 2338  
demonstrated to the director that the conditions specified in 2339  
divisions (C) (1) (a) to (d) of this section have been met; 2340

(f) The director finds that the issuance of the order will 2341  
be consistent with the state solid waste management plan and 2342  
that receipt of the out-of-district wastes will not limit the 2343

capacity of the receiving district to dispose of its in-district 2344  
wastes to less than eight years. Any order issued under division 2345  
(C) (1) of this section shall not become final until thirty days 2346  
after it has been served by certified mail upon the county or 2347  
joint solid waste management district that will receive the out- 2348  
of-district wastes. 2349

(2) Governing the maintenance, protection, and use of 2350  
solid waste collection, storage, disposal, transfer, recycling, 2351  
processing, and resource recovery facilities within the district 2352  
and requiring the submission of general plans and specifications 2353  
for the construction, enlargement, or modification of any such 2354  
facility to the board of county commissioners or board of 2355  
directors of the district for review and approval as complying 2356  
with the plan or amended plan of the district; 2357

(3) Governing development and implementation of a program 2358  
for the inspection of solid wastes generated outside the 2359  
boundaries of the state that are being disposed of at solid 2360  
waste facilities included in the district's plan; 2361

(4) Exempting the owner or operator of any existing or 2362  
proposed solid waste facility provided for in the plan from 2363  
compliance with any amendment to a township zoning resolution 2364  
adopted under section 519.12 of the Revised Code or to a county 2365  
rural zoning resolution adopted under section 303.12 of the 2366  
Revised Code that rezoned or redistricted the parcel or parcels 2367  
upon which the facility is to be constructed or modified and 2368  
that became effective within two years prior to the filing of an 2369  
application for a permit required under division (A) (2) (a) of 2370  
section 3734.05 of the Revised Code to open a new or modify an 2371  
existing solid waste facility. 2372

(D) Except for the inventories required by divisions (A) 2373

(1), (2), and (4) of this section and the projections required 2374  
by division (A) (6) of this section, neither this section nor the 2375  
solid waste management plan of a county or joint district 2376  
applies to the construction, operation, use, repair, or 2377  
maintenance of either of the following: 2378

(1) A solid waste facility owned by a generator of solid 2379  
wastes when the solid waste facility exclusively disposes of 2380  
solid wastes generated at one or more premises owned by the 2381  
generator regardless of whether the facility is located on a 2382  
premises where the wastes are generated; 2383

(2) A facility that exclusively disposes of wastes that 2384  
are generated from the combustion of coal, or from the 2385  
combustion of primarily coal in combination with scrap tires, 2386  
that is not combined in any way with garbage at one or more 2387  
premises owned by the generator. 2388

(E) (1) The initial solid waste management plans prepared 2389  
by county or joint districts under section 3734.521 of the 2390  
Revised Code and the amended plans prepared under section 2391  
3734.521 or 3734.56 of the Revised Code shall contain a clear 2392  
statement as to whether the board of county commissioners or 2393  
directors is authorized to or precluded from establishing 2394  
facility designations under section 343.014 of the Revised Code. 2395

(2) A policy committee that is preparing a draft or 2396  
revised draft plan under section 3734.55 of the Revised Code on 2397  
October 29, 1993, may include in the draft or revised draft plan 2398  
only one of the following pertaining to the solid waste 2399  
facilities or recycling activities where solid wastes generated 2400  
within or transported into the district are to be taken for 2401  
disposal, transfer, resource recovery, or recycling: 2402



(a) The designations required under former division (A) 2403  
(12) (a) of this section as it existed prior to October 29, 1993; 2404

(b) The identifications required in division (A) (12) (a) of 2405  
this section and the statement required under division (E) (1) of 2406  
this section; 2407

(c) Both of the following: 2408

(i) The designations required under former division (A) 2409  
(12) (a) of this section as it existed prior to October 29, 1993, 2410  
except that those designations only shall pertain to solid waste 2411  
disposal, transfer, or resource recovery facilities or recycling 2412  
activities that are owned by a municipal corporation, county, 2413  
county or joint solid waste management district, township, or 2414  
township waste disposal district created under section 505.28 of 2415  
the Revised Code for which debt issued under Chapter 133., 343., 2416  
or 6123. of the Revised Code is outstanding; 2417

(ii) The identifications required under division (A) (12) 2418  
(a) of this section, and the statement required under division 2419  
(E) (1) of this section, pertaining to the solid waste facilities 2420  
and recycling activities described in division (A) of section 2421  
343.014 of the Revised Code. 2422

(F) Notwithstanding section 3734.01 of the Revised Code, 2423  
"solid wastes" does not include scrap tires and "facility" does 2424  
not include any scrap tire collection, storage, monocell, 2425  
monofill, or recovery facility in either of the following 2426  
circumstances: 2427

(1) For the purposes of an initial plan prepared and 2428  
ordered to be implemented by the director under section 3734.55 2429  
of the Revised Code; 2430

(2) For the purposes of an initial or amended plan 2431

prepared and ordered to be implemented by the director under 2432  
division (D) ~~or (F) (1) or (2)~~ of section 3734.521 of the Revised 2433  
Code in connection with a change in district composition as 2434  
defined in that section that involves an existing district that 2435  
is operating under either an initial plan approved or prepared 2436  
and ordered to be implemented under section 3734.55 of the 2437  
Revised Code or an initial or amended plan approved or prepared 2438  
and ordered to be implemented under section 3734.521 of the 2439  
Revised Code that does not provide for the management of scrap 2440  
tires and scrap tire facilities. 2441

(G) Notwithstanding section 3734.01 of the Revised Code, 2442  
and except as provided in division (A) (4) of this section, 2443  
"solid wastes" need not include scrap tires and "facility" need 2444  
not include any scrap tire collection, storage, monocell, 2445  
monofill, or recovery facility ~~in either of the following~~ 2446  
~~circumstances:~~ 2447

~~(1) For~~ for the purposes of an initial plan prepared under 2448  
sections 3734.54 and 3734.55 of the Revised Code unless the 2449  
solid waste management policy committee preparing the initial 2450  
plan chooses to include the management of scrap tires and scrap 2451  
tire facilities in the plan. 2452

~~(2) For the purposes of a preliminary demonstration of~~ 2453  
~~capacity as defined in section 3734.521 of the Revised Code, if~~ 2454  
~~any, and an initial or amended plan prepared under that section~~ 2455  
~~by the solid waste management policy committee of a solid waste~~ 2456  
~~management district resulting from proceedings for a change in~~ 2457  
~~district composition under sections 343.012 and 3734.521 of the~~ 2458  
~~Revised Code that involves an existing district that is~~ 2459  
~~operating either under an initial plan approved or prepared and~~ 2460  
~~ordered to be implemented under section 3734.55 of the Revised~~ 2461

~~Code or under an initial or amended plan approved or prepared~~ 2462  
~~and ordered to be implemented under section 3734.521 of the~~ 2463  
~~Revised Code that does not provide for the management of scrap~~ 2464  
~~tires and scrap tire facilities unless the solid waste~~ 2465  
~~management policy committee of the district resulting from the~~ 2466  
~~change chooses to include the management of scrap tires and~~ 2467  
~~scrap tire facilities in the preliminary demonstration of~~ 2468  
~~capacity, if any, and the initial or amended plan prepared under~~ 2469  
~~section 3734.521 of the Revised Code in connection with the~~ 2470  
~~change proceedings.~~ 2471

If a policy committee chooses to include the management of 2472  
scrap tires and scrap tire facilities in an initial plan 2473  
pursuant to division ~~(G)(1)~~ (G) of this section, the initial plan 2474  
shall incorporate all of the elements required under this 2475  
section, and may incorporate any of the elements authorized 2476  
under this section, for the purpose of managing solid wastes 2477  
that consist of scrap tires and solid waste facilities that are 2478  
scrap tire collection, storage, monocell, monofill, or recovery 2479  
facilities. ~~If a policy committee chooses to provide for the~~ 2480  
~~management of scrap tires and scrap tire facilities pursuant to~~ 2481  
~~division (G)(2) of this section, the preliminary demonstration~~ 2482  
~~of capacity, if one is required, shall incorporate all of the~~ 2483  
~~elements required under division (E)(1) or (2) of section~~ 2484  
~~3734.521 of the Revised Code, as appropriate, for the purpose of~~ 2485  
~~managing solid wastes that consist of scrap tires and solid~~ 2486  
~~waste facilities that are scrap tire collection, storage,~~ 2487  
~~monocell, monofill, or recovery facilities. The initial or~~ 2488  
~~amended plan also shall incorporate all of the elements required~~ 2489  
~~under this section, and may incorporate any of the elements~~ 2490  
~~authorized under this section, for the purpose of managing solid~~ 2491  
~~wastes that consist of scrap tires and solid waste facilities~~ 2492

~~that are scrap tire collection, storage, monocell, monofill, or~~ 2493  
~~recovery facilities.~~ 2494

(H) Neither this section nor the solid waste management 2495  
plan of a county or joint district applies to the construction, 2496  
operation, use, repair, or maintenance of any compost facility 2497  
that exclusively composts raw rendering material. 2498

**Sec. 3734.56.** (A) Each county and joint solid waste 2499  
management district having a solid waste management plan 2500  
approved under section 3734.521 or 3734.55 of the Revised Code 2501  
with a planning period of less than fifteen years shall submit 2502  
triennially, on or before the anniversary date of the approval 2503  
of the initial plan, to the director of environmental protection 2504  
an amended plan and certification for the subsequent ten-year 2505  
period or longer period on which the district's initial plan was 2506  
based. If the district's initial plan as approved by the 2507  
director contained a planning period of fifteen or more years, 2508  
the district shall submit such an amended plan and certification 2509  
to the director every five years on or before the anniversary 2510  
date of the approval of the initial plan of the district. 2511

The amended plan and certification shall comply with 2512  
divisions (A), (B), (D), and (E)(1) of section 3734.53 of the 2513  
Revised Code. An amended plan may incorporate any of the 2514  
elements under division (C) of that section that are not 2515  
included in the district's initial plan or previous amended 2516  
plans and may delete any of those elements that were contained 2517  
in the initial plan or previous amended plans. An amended plan 2518  
shall incorporate all of the elements required under section 2519  
3734.53 of the Revised Code, and may incorporate any of the 2520  
elements authorized under that section, for the purpose of 2521  
managing solid wastes that consist of scrap tires and solid 2522

waste facilities that are scrap tire collection, storage, 2523  
monocell, monofill, or recovery facilities. 2524

Not later than fifteen months before the required date for 2525  
submission of the amended plan for the district under this 2526  
section, the solid waste management policy committee of the 2527  
county or joint district established under section 3734.54 of 2528  
the Revised Code shall begin preparation of the draft amended 2529  
plan for the district. The committee shall proceed to adopt and 2530  
obtain approval of the amended plan of the district in 2531  
accordance with divisions (A) to (C) of section 3734.55 of the 2532  
Revised Code. 2533

If a county or joint district fails to submit an amended 2534  
plan in accordance with this division or fails to obtain 2535  
approval of the amended plan within eighteen months after the 2536  
required date for its submission under this division, the 2537  
director shall proceed in accordance with division (D) of 2538  
section 3734.55 of the Revised Code. An amended plan prepared by 2539  
the director under this division or division (B) of this section 2540  
shall incorporate all of the elements required under section 2541  
3734.53 of the Revised Code for the purpose of managing solid 2542  
wastes that consist of scrap tires and solid waste facilities 2543  
that are scrap tire collection, storage, monocell, monofill, or 2544  
recovery facilities, except that for that purpose the amended 2545  
plan shall not incorporate any of the elements required or 2546  
authorized under division (B) or (C) of that section. 2547

(B) If the solid waste management plan of a county or 2548  
joint district was initially prepared and ordered to be 2549  
implemented by the director under division (D) of section 2550  
3734.55 of the Revised Code or division (D) ~~or (F)~~ of section 2551  
3734.521 of the Revised Code, the director shall review the plan 2552

triennially and prepare for the district an amended plan that 2553  
complies with divisions (A) and (D) of section 3734.53 of the 2554  
Revised Code and is applicable to the subsequent ten-year 2555  
period. An amended plan prepared by the director shall not 2556  
contain any provisions required or authorized to be included in 2557  
plans submitted by districts under ~~divisions~~ division (B), (C), 2558  
or (E) of section 3734.53 of the Revised Code. Upon completion 2559  
of the amended plan, the director shall issue an order in 2560  
accordance with Chapter 3745. of the Revised Code directing the 2561  
board of county commissioners or board of directors of the 2562  
district to implement the amended plan in compliance with the 2563  
implementation schedule contained in it. 2564

(C) A county or joint district that is operating under a 2565  
solid waste management plan prepared and ordered to be 2566  
implemented by the director under division (D) of section 2567  
3734.55 of the Revised Code or division (D) ~~or (F)~~ of section 2568  
3734.521 of the Revised Code may establish, under division (B) 2569  
of section 3734.54 of the Revised Code, a solid waste management 2570  
policy committee and prepare, adopt, and submit its own solid 2571  
waste management plan to replace the initial or an amended plan 2572  
prepared by the director. Any such district may submit its plan 2573  
to the director only within the one hundred eighty days 2574  
immediately preceding a triennial anniversary of the date on 2575  
which the director issued the initial order under division (D) 2576  
of section 3734.55 of the Revised Code or division (D) ~~or (F)~~ of 2577  
section 3734.521 of the Revised Code requiring the district to 2578  
implement the plan prepared by the director. 2579

Upon approval of the solid waste management plan of the 2580  
county or joint district under division (C) of section 3734.55 2581  
of the Revised Code, the director shall issue an order in 2582  
accordance with Chapter 3745. of the Revised Code revoking the 2583

earlier orders issued to the district under division (D) of that 2584  
section or division (D) ~~or (F) (1) or (2)~~ of section 3734.521 of 2585  
~~THE~~ the Revised Code, as appropriate. 2586

(D) When the board of county commissioners of a county 2587  
district or the board of directors of a joint district 2588  
determines that circumstances materially changed from those 2589  
addressed in the approved initial or amended plan of the 2590  
district require submission of an amended plan prior to the time 2591  
required under division (A) of this section, the board shall 2592  
request the solid waste management policy committee of the 2593  
district to prepare a draft amended plan. Upon receipt of the 2594  
board's request, the committee shall begin preparing a draft 2595  
amended plan for the district and shall proceed to adopt and 2596  
obtain approval of the amended plan in accordance with divisions 2597  
(A) to (C) of section 3734.55 of the Revised Code. 2598

(E) The board of county commissioners of a county district 2599  
or board of directors of a joint district may request the solid 2600  
waste management policy committee of the district to prepare and 2601  
adopt amendments to any provisions of the district's plan or 2602  
amended plan required to be included under division (B) of 2603  
section 3734.53 of the Revised Code at any time and without 2604  
obtaining approval of the amendments from the director. The 2605  
committee shall adopt a resolution setting forth the proposed 2606  
amendments to the plan and shall proceed in accordance with 2607  
division (B) of section 3734.57 of the Revised Code to conduct a 2608  
public hearing on the proposed amendments and obtain their 2609  
approval and ratification. 2610

(F) The board of county commissioners of a county district 2611  
or board of directors of a joint district may request the solid 2612  
waste management policy committee of the district to prepare and 2613

adopt an amendment to the provision required to be included in 2614  
the district's plan or amended plan under division (E) of 2615  
section 3734.53 of the Revised Code at any time and without the 2616  
necessity of obtaining approval of the amendment from the 2617  
director. The policy committee shall adopt a resolution setting 2618  
forth the proposed amendment to the plan. Upon adopting the 2619  
resolution, it shall proceed in accordance with divisions (A) 2620  
and (B) of section 3734.55 of the Revised Code to adopt and 2621  
obtain ratification of the proposed amendment in the same manner 2622  
as a plan, except that the board need not submit a copy of the 2623  
resolution to the director for review and comment under division 2624  
(A) of that section. An amendment to a plan or amended plan that 2625  
is proposed and ratified in accordance with this division shall 2626  
take effect when the policy committee declares the amendment to 2627  
be ratified pursuant to division (B) of section 3734.55 of the 2628  
Revised Code. 2629

**Sec. 3734.57.** (A) The following fees are hereby levied on 2630  
the transfer or disposal of solid wastes in this state: 2631

(1) Seventy-one cents per ton through June 30, 2026, 2632  
eleven cents of the proceeds of which shall be deposited in the 2633  
state treasury to the credit of the hazardous waste facility 2634  
management fund created in section 3734.18 of the Revised Code 2635  
and sixty cents of the proceeds of which shall be deposited in 2636  
the state treasury to the credit of the hazardous waste clean-up 2637  
fund created in section 3734.28 of the Revised Code; 2638

(2) An additional ninety cents per ton through June 30, 2639  
2026, the proceeds of which shall be deposited in the state 2640  
treasury to the credit of the waste management fund created in 2641  
section 3734.061 of the Revised Code; 2642

(3) An additional two dollars and eighty-one cents per ton 2643



through June 30, 2026, the proceeds of which shall be deposited 2644  
in the state treasury to the credit of the environmental 2645  
protection fund created in section 3745.015 of the Revised Code; 2646

(4) An additional twenty-five cents per ton through June 2647  
30, 2026, the proceeds of which shall be deposited in the state 2648  
treasury to the credit of the soil and water conservation 2649  
district assistance fund created in section 940.15 of the 2650  
Revised Code; 2651

(5) An additional eight cents per ton through June 30, 2652  
2026, the proceeds of which shall be deposited in the state 2653  
treasury to the credit of the national priority list remedial 2654  
support fund created in section 3734.579 of the Revised Code. 2655

In the case of solid wastes that are taken to a solid 2656  
waste transfer facility located in this state prior to being 2657  
transported for disposal at a solid waste disposal facility 2658  
located in this state or outside of this state, the fees levied 2659  
under this division shall be collected by the owner or operator 2660  
of the transfer facility as a trustee for the state. The amount 2661  
of fees required to be collected under this division at such a 2662  
transfer facility shall equal the total tonnage of solid wastes 2663  
received at the facility multiplied by the fees levied under 2664  
this division. In the case of solid wastes that are not taken to 2665  
a solid waste transfer facility located in this state prior to 2666  
being transported to a solid waste disposal facility, the fees 2667  
shall be collected by the owner or operator of the solid waste 2668  
disposal facility as a trustee for the state. The amount of fees 2669  
required to be collected under this division at such a disposal 2670  
facility shall equal the total tonnage of solid wastes received 2671  
at the facility that was not previously taken to a solid waste 2672  
transfer facility located in this state multiplied by the fees 2673

levied under this division. Fees levied under this division do 2674  
not apply to materials separated from a mixed waste stream for 2675  
recycling by a generator or materials removed from the solid 2676  
waste stream through recycling, as "recycling" is defined in 2677  
rules adopted under section 3734.02 of the Revised Code. 2678

The owner or operator of a solid waste transfer facility 2679  
or disposal facility, as applicable, shall prepare and file with 2680  
the director of environmental protection each month a return 2681  
indicating the total tonnage of solid wastes received at the 2682  
facility during that month and the total amount of the fees 2683  
required to be collected under this division during that month. 2684  
In addition, the owner or operator of a solid waste disposal 2685  
facility shall indicate on the return the total tonnage of solid 2686  
wastes received from transfer facilities located in this state 2687  
during that month for which the fees were required to be 2688  
collected by the transfer facilities. The monthly returns shall 2689  
be filed on a form prescribed by the director. Not later than 2690  
thirty days after the last day of the month to which a return 2691  
applies, the owner or operator shall mail to the director the 2692  
return for that month together with the fees required to be 2693  
collected under this division during that month as indicated on 2694  
the return or may submit the return and fees electronically in a 2695  
manner approved by the director. If the return is filed and the 2696  
amount of the fees due is paid in a timely manner as required in 2697  
this division, the owner or operator may retain a discount of 2698  
three-fourths of one per cent of the total amount of the fees 2699  
that are required to be paid as indicated on the return. 2700

The owner or operator may request an extension of not more 2701  
than thirty days for filing the return and remitting the fees, 2702  
provided that the owner or operator has submitted such a request 2703  
in writing to the director together with a detailed description 2704

of why the extension is requested, the director has received the 2705  
request not later than the day on which the return is required 2706  
to be filed, and the director has approved the request. If the 2707  
fees are not remitted within thirty days after the last day of 2708  
the month to which the return applies or are not remitted by the 2709  
last day of an extension approved by the director, the owner or 2710  
operator shall not retain the three-fourths of one per cent 2711  
discount and shall pay an additional ten per cent of the amount 2712  
of the fees for each month that they are late. For purposes of 2713  
calculating the late fee, the first month in which fees are late 2714  
begins on the first day after the deadline has passed for timely 2715  
submitting the return and fees, and one additional month shall 2716  
be counted every thirty days thereafter. 2717

The owner or operator of a solid waste facility may 2718  
request a refund or credit of fees levied under this division 2719  
and remitted to the director that have not been paid to the 2720  
owner or operator. Such a request shall be made only if the fees 2721  
have not been collected by the owner or operator, have become a 2722  
debt that has become worthless or uncollectable for a period of 2723  
six months or more, and may be claimed as a deduction, including 2724  
a deduction claimed if the owner or operator keeps accounts on 2725  
an accrual basis, under the "Internal Revenue Code of 1954," 68A 2726  
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 2727  
under it. Prior to making a request for a refund or credit, an 2728  
owner or operator shall make reasonable efforts to collect the 2729  
applicable fees. A request for a refund or credit shall not 2730  
include any costs resulting from those efforts to collect unpaid 2731  
fees. 2732

A request for a refund or credit of fees shall be made in 2733  
writing, on a form prescribed by the director, and shall be 2734  
supported by evidence that may be required in rules adopted by 2735

the director under this chapter. After reviewing the request, 2736  
and if the request and evidence submitted with the request 2737  
indicate that a refund or credit is warranted, the director 2738  
shall grant a refund to the owner or operator or shall permit a 2739  
credit to be taken by the owner or operator on a subsequent 2740  
monthly return submitted by the owner or operator. The amount of 2741  
a refund or credit shall not exceed an amount that is equal to 2742  
ninety days' worth of fees owed to an owner or operator by a 2743  
particular debtor of the owner or operator. A refund or credit 2744  
shall not be granted by the director to an owner or operator 2745  
more than once in any twelve-month period for fees owed to the 2746  
owner or operator by a particular debtor. 2747

If, after receiving a refund or credit from the director, 2748  
an owner or operator receives payment of all or part of the 2749  
fees, the owner or operator shall remit the fees with the next 2750  
monthly return submitted to the director together with a written 2751  
explanation of the reason for the submittal. 2752

For purposes of computing the fees levied under this 2753  
division or division (B) of this section, any solid waste 2754  
transfer or disposal facility that does not use scales as a 2755  
means of determining gate receipts shall use a conversion factor 2756  
of three cubic yards per ton of solid waste or one cubic yard 2757  
per ton for baled waste, as applicable. 2758

The fees levied under this division and divisions (B) and 2759  
(C) of this section are in addition to all other applicable fees 2760  
and taxes and shall be paid by the customer or a political 2761  
subdivision to the owner or operator of a solid waste transfer 2762  
or disposal facility. In the alternative, the fees shall be paid 2763  
by a customer or political subdivision to a transporter of waste 2764  
who subsequently transfers the fees to the owner or operator of 2765

such a facility. The fees shall be paid notwithstanding the 2766  
existence of any provision in a contract that the customer or a 2767  
political subdivision may have with the owner or operator or 2768  
with a transporter of waste to the facility that would not 2769  
require or allow such payment regardless of whether the contract 2770  
was entered prior to or after October 16, 2009. For those 2771  
purposes, "customer" means a person who contracts with, or 2772  
utilizes the solid waste services of, the owner or operator of a 2773  
solid waste transfer or disposal facility or a transporter of 2774  
solid waste to such a facility. 2775

(B) For the purposes specified in division (G) of this 2776  
section, the solid waste management policy committee of a county 2777  
or joint solid waste management district may levy fees upon the 2778  
following activities: 2779

(1) The disposal at a solid waste disposal facility 2780  
located in the district of solid wastes generated within the 2781  
district; 2782

(2) The disposal at a solid waste disposal facility within 2783  
the district of solid wastes generated outside the boundaries of 2784  
the district, but inside this state; 2785

(3) The disposal at a solid waste disposal facility within 2786  
the district of solid wastes generated outside the boundaries of 2787  
this state. 2788

The solid waste management plan of the county or joint 2789  
district approved under section 3734.521 or 3734.55 of the 2790  
Revised Code and any amendments to it, or the resolution adopted 2791  
under this division, as appropriate, shall establish the rates 2792  
of the fees levied under divisions (B) (1), (2), and (3) of this 2793  
section, if any, and shall specify whether the fees are levied 2794

on the basis of tons or cubic yards as the unit of measurement. 2795  
A solid waste management district that levies fees under this 2796  
division on the basis of cubic yards shall do so in accordance 2797  
with division (A) of this section. 2798

The fee levied under division (B) (1) of this section shall 2799  
be not less than one dollar per ton nor more than two dollars 2800  
per ton, the fee levied under division (B) (2) of this section 2801  
shall be not less than two dollars per ton nor more than four 2802  
dollars per ton, and the fee levied under division (B) (3) of 2803  
this section shall be not more than the fee levied under 2804  
division (B) (1) of this section. 2805

Prior to the approval of the solid waste management plan 2806  
of a district under section 3734.55 of the Revised Code, the 2807  
solid waste management policy committee of a district may levy 2808  
fees under this division by adopting a resolution establishing 2809  
the proposed amount of the fees. Upon adopting the resolution, 2810  
the committee shall deliver a copy of the resolution to the 2811  
board of county commissioners of each county forming the 2812  
district and to the legislative authority of each municipal 2813  
corporation and township under the jurisdiction of the district 2814  
and shall prepare and publish the resolution and a notice of the 2815  
time and location where a public hearing on the fees will be 2816  
held. Upon adopting the resolution, the committee shall deliver 2817  
written notice of the adoption of the resolution; of the amount 2818  
of the proposed fees; and of the date, time, and location of the 2819  
public hearing to the director and to the fifty industrial, 2820  
commercial, or institutional generators of solid wastes within 2821  
the district that generate the largest quantities of solid 2822  
wastes, as determined by the committee, and to their local trade 2823  
associations. The committee shall make good faith efforts to 2824  
identify those generators within the district and their local 2825

trade associations, but the nonprovision of notice under this 2826  
division to a particular generator or local trade association 2827  
does not invalidate the proceedings under this division. The 2828  
publication shall occur at least thirty days before the hearing. 2829  
After the hearing, the committee may make such revisions to the 2830  
proposed fees as it considers appropriate and thereafter, by 2831  
resolution, shall adopt the revised fee schedule. Upon adopting 2832  
the revised fee schedule, the committee shall deliver a copy of 2833  
the resolution doing so to the board of county commissioners of 2834  
each county forming the district and to the legislative 2835  
authority of each municipal corporation and township under the 2836  
jurisdiction of the district. Within sixty days after the 2837  
delivery of a copy of the resolution adopting the proposed 2838  
revised fees by the policy committee, each such board and 2839  
legislative authority, by ordinance or resolution, shall approve 2840  
or disapprove the revised fees and deliver a copy of the 2841  
ordinance or resolution to the committee. If any such board or 2842  
legislative authority fails to adopt and deliver to the policy 2843  
committee an ordinance or resolution approving or disapproving 2844  
the revised fees within sixty days after the policy committee 2845  
delivered its resolution adopting the proposed revised fees, it 2846  
shall be conclusively presumed that the board or legislative 2847  
authority has approved the proposed revised fees. The committee 2848  
shall determine if the resolution has been ratified in the same 2849  
manner in which it determines if a draft solid waste management 2850  
plan has been ratified under division (B) of section 3734.55 of 2851  
the Revised Code. 2852

The committee may amend the schedule of fees levied 2853  
pursuant to a resolution adopted and ratified under this 2854  
division by adopting a resolution establishing the proposed 2855  
amount of the amended fees. The committee may repeal the fees 2856

levied pursuant to such a resolution by adopting a resolution 2857  
proposing to repeal them. Upon adopting such a resolution, the 2858  
committee shall proceed to obtain ratification of the resolution 2859  
in accordance with this division. 2860

Not later than fourteen days after declaring the new fees 2861  
to be ratified or the fees to be repealed under this division, 2862  
the committee shall notify by certified mail the owner or 2863  
operator of each solid waste disposal facility that is required 2864  
to collect the fees of the ratification and the amount of the 2865  
fees or of the repeal of the fees. Collection of any fees shall 2866  
commence or collection of repealed fees shall cease on the first 2867  
day of the second month following the month in which 2868  
notification is sent to the owner or operator. 2869

Fees levied under this division also may be established, 2870  
amended, or repealed by a solid waste management policy 2871  
committee through the adoption of a new district solid waste 2872  
management plan, the adoption of an amended plan, or the 2873  
amendment of the plan or amended plan in accordance with 2874  
sections 3734.55 and 3734.56 of the Revised Code or the adoption 2875  
or amendment of a district plan in connection with a change in 2876  
district composition under section 3734.521 of the Revised Code. 2877

Not later than fourteen days after the director issues an 2878  
order approving a district's solid waste management plan, 2879  
amended plan, or amendment to a plan or amended plan that 2880  
establishes, amends, or repeals a schedule of fees levied by the 2881  
district, the committee shall notify by certified mail the owner 2882  
or operator of each solid waste disposal facility that is 2883  
required to collect the fees of the approval of the plan or 2884  
amended plan, or the amendment to the plan, as appropriate, and 2885  
the amount of the fees, if any. In the case of an initial or 2886



amended plan approved under section 3734.521 of the Revised Code 2887  
in connection with a change in district composition, other than 2888  
one involving the withdrawal of a county from a joint district, 2889  
the committee, within fourteen days after the change takes 2890  
effect pursuant to division ~~(C)~~(E) of that section, shall notify 2891  
by certified mail the owner or operator of each solid waste 2892  
disposal facility that is required to collect the fees that the 2893  
change has taken effect and of the amount of the fees, if any. 2894  
Collection of any fees shall commence or collection of repealed 2895  
fees shall cease on the first day of the second month following 2896  
the month in which notification is sent to the owner or 2897  
operator. 2898

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

immediately following the issuance of the notice. If such an 2918  
initial or amended plan repeals a schedule of fees, collection 2919  
of the fees shall cease on that first day of January. 2920

If, in the case of a change in district composition 2921  
involving the withdrawal of a county from a joint district, the 2922  
director completes the actions required under ~~division (C) (1) or~~ 2923  
~~(3) of section 3734.521-3734.522~~ of the Revised Code, ~~as~~ 2924  
~~appropriate,~~ less than forty-five days before the beginning of a 2925  
calendar year, the director, on behalf of each of the districts 2926  
resulting from the change that obtained the director's approval 2927  
of an initial or amended plan in connection with the change 2928  
proceedings, shall notify by certified mail the owner or 2929  
operator of each solid waste disposal facility that is required 2930  
to collect the district's fees that the change is to take effect 2931  
on the first day of January immediately following the mailing of 2932  
the notice and of the amount of the fees or amended fees levied 2933  
under divisions (B) (1) to (3) of this section pursuant to the 2934  
district's initial or amended plan as so approved or, if 2935  
appropriate, the repeal of the district's fees by that initial 2936  
or amended plan. Collection of any fees set forth in such a plan 2937  
or amended plan shall commence on the first day of the second 2938  
month following the month in which notification is sent to the 2939  
owner or operator. If such an initial or amended plan repeals a 2940  
schedule of fees, collection of the fees shall cease on the 2941  
first day of the second month following the month in which 2942  
notification is sent to the owner or operator. 2943

If the schedule of fees that a solid waste management 2944  
district is levying under divisions (B) (1) to (3) of this 2945  
section is amended or repealed, the fees in effect immediately 2946  
prior to the amendment or repeal shall continue to be collected 2947  
until collection of the amended fees commences or collection of 2948

the repealed fees ceases, as applicable, as specified in this 2949  
division. In the case of a change in district composition, money 2950  
so received from the collection of the fees of the former 2951  
districts shall be divided among the resulting districts in 2952  
accordance with ~~division (B) of section 343.012~~ 3734.522 of the 2953  
Revised Code and the agreements entered into under division (B) 2954  
of section 343.01 of the Revised Code to establish the former 2955  
and resulting districts and any amendments to those agreements. 2956

For the purposes of the provisions of division (B) of this 2957  
section establishing the times when newly established or amended 2958  
fees levied by a district are required to commence and the 2959  
collection of fees that have been amended or repealed is 2960  
required to cease, "fees" or "schedule of fees" includes, in 2961  
addition to fees levied under divisions (B) (1) to (3) of this 2962  
section, those levied under section 3734.573 or 3734.574 of the 2963  
Revised Code. 2964

(C) For the purposes of defraying the added costs to a 2965  
municipal corporation or township of maintaining roads and other 2966  
public facilities and of providing emergency and other public 2967  
services, and compensating a municipal corporation or township 2968  
for reductions in real property tax revenues due to reductions 2969  
in real property valuations resulting from the location and 2970  
operation of a solid waste disposal facility within the 2971  
municipal corporation or township, a municipal corporation or 2972  
township in which such a solid waste disposal facility is 2973  
located may levy a fee of not more than twenty-five cents per 2974  
ton on the disposal of solid wastes at a solid waste disposal 2975  
facility located within the boundaries of the municipal 2976  
corporation or township regardless of where the wastes were 2977  
generated. 2978

The legislative authority of a municipal corporation or 2979  
township may levy fees under this division by enacting an 2980  
ordinance or adopting a resolution establishing the amount of 2981  
the fees. Upon so doing the legislative authority shall mail a 2982  
certified copy of the ordinance or resolution to the board of 2983  
county commissioners or directors of the county or joint solid 2984  
waste management district in which the municipal corporation or 2985  
township is located or, if a regional solid waste management 2986  
authority has been formed under section 343.011 of the Revised 2987  
Code, to the board of trustees of that regional authority, the 2988  
owner or operator of each solid waste disposal facility in the 2989  
municipal corporation or township that is required to collect 2990  
the fee by the ordinance or resolution, and the director of 2991  
environmental protection. Although the fees levied under this 2992  
division are levied on the basis of tons as the unit of 2993  
measurement, the legislative authority, in its ordinance or 2994  
resolution levying the fees under this division, may direct that 2995  
the fees be levied on the basis of cubic yards as the unit of 2996  
measurement based upon a conversion factor of three cubic yards 2997  
per ton generally or one cubic yard per ton for baled wastes. 2998

Not later than five days after enacting an ordinance or 2999  
adopting a resolution under this division, the legislative 3000  
authority shall so notify by certified mail the owner or 3001  
operator of each solid waste disposal facility that is required 3002  
to collect the fee. Collection of any fee levied on or after 3003  
March 24, 1992, shall commence on the first day of the second 3004  
month following the month in which notification is sent to the 3005  
owner or operator. 3006

(D) (1) The fees levied under divisions (A), (B), and (C) 3007  
of this section do not apply to the disposal of solid wastes 3008  
that: 3009

(a) Are disposed of at a facility owned by the generator 3010  
of the wastes when the solid waste facility exclusively disposes 3011  
of solid wastes generated at one or more premises owned by the 3012  
generator regardless of whether the facility is located on a 3013  
premises where the wastes are generated; 3014

(b) Are generated from the combustion of coal, or from the 3015  
combustion of primarily coal, regardless of whether the disposal 3016  
facility is located on the premises where the wastes are 3017  
generated; 3018

(c) Are asbestos or asbestos-containing materials or 3019  
products disposed of at a construction and demolition debris 3020  
facility that is licensed under Chapter 3714. of the Revised 3021  
Code or at a solid waste facility that is licensed under this 3022  
chapter. 3023

(2) Except as provided in section 3734.571 of the Revised 3024  
Code, any fees levied under division (B)(1) of this section 3025  
apply to solid wastes originating outside the boundaries of a 3026  
county or joint district that are covered by an agreement for 3027  
the joint use of solid waste facilities entered into under 3028  
section 343.02 of the Revised Code by the board of county 3029  
commissioners or board of directors of the county or joint 3030  
district where the wastes are generated and disposed of. 3031

(3) When solid wastes, other than solid wastes that 3032  
consist of scrap tires, are burned in a disposal facility that 3033  
is an incinerator or energy recovery facility, the fees levied 3034  
under divisions (A), (B), and (C) of this section shall be 3035  
levied upon the disposal of the fly ash and bottom ash remaining 3036  
after burning of the solid wastes and shall be collected by the 3037  
owner or operator of the sanitary landfill where the ash is 3038  
disposed of. 3039

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

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

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

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

(8) The director of environmental protection may issue an

order exempting from the fees levied under this section solid 3070  
wastes, including, but not limited to, scrap tires, that are 3071  
generated, transferred, or disposed of as a result of a contract 3072  
providing for the expenditure of public funds entered into by 3073  
the administrator or regional administrator of the United States 3074  
environmental protection agency, the director of environmental 3075  
protection, or the director of administrative services on behalf 3076  
of the director of environmental protection for the purpose of 3077  
remediating conditions at a hazardous waste facility, solid 3078  
waste facility, or other location at which the administrator or 3079  
regional administrator or the director of environmental 3080  
protection has reason to believe that there is a substantial 3081  
threat to public health or safety or the environment or that the 3082  
conditions are causing or contributing to air or water pollution 3083  
or soil contamination. An order issued by the director of 3084  
environmental protection under division (D) (8) of this section 3085  
shall include a determination that the amount of the fees not 3086  
received by a solid waste management district as a result of the 3087  
order will not adversely impact the implementation and financing 3088  
of the district's approved solid waste management plan and any 3089  
approved amendments to the plan. Such an order is a final action 3090  
of the director of environmental protection. 3091

(E) The fees levied under divisions (B) and (C) of this 3092  
section shall be collected by the owner or operator of the solid 3093  
waste disposal facility where the wastes are disposed of as a 3094  
trustee for the county or joint district and municipal 3095  
corporation or township where the wastes are disposed of. Moneys 3096  
from the fees levied under division (B) of this section shall be 3097  
forwarded to the board of county commissioners or board of 3098  
directors of the district in accordance with rules adopted under 3099  
division (H) of this section. Moneys from the fees levied under 3100

division (C) of this section shall be forwarded to the treasurer 3101  
or such other officer of the municipal corporation as, by virtue 3102  
of the charter, has the duties of the treasurer or to the fiscal 3103  
officer of the township, as appropriate, in accordance with 3104  
those rules. 3105

(F) Moneys received by the treasurer or other officer of 3106  
the municipal corporation under division (E) of this section 3107  
shall be paid into the general fund of the municipal 3108  
corporation. Moneys received by the fiscal officer of the 3109  
township under that division shall be paid into the general fund 3110  
of the township. The treasurer or other officer of the municipal 3111  
corporation or the township fiscal officer, as appropriate, 3112  
shall maintain separate records of the moneys received from the 3113  
fees levied under division (C) of this section. 3114

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



directors of the district in accordance with the district's 3132  
solid waste management plan or amended plan approved under 3133  
section 3734.521, 3734.55, or 3734.56 of the Revised Code 3134  
exclusively for the following purposes: 3135

(1) Preparation of the solid waste management plan of the 3136  
district under section 3734.54 of the Revised Code, monitoring 3137  
implementation of the plan, and conducting the periodic review 3138  
and amendment of the plan required by section 3734.56 of the 3139  
Revised Code by the solid waste management policy committee; 3140

(2) Implementation of the approved solid waste management 3141  
plan or amended plan of the district, including, without 3142  
limitation, the development and implementation of solid waste 3143  
recycling or reduction programs; 3144

(3) Providing financial assistance to boards of health 3145  
within the district, if solid waste facilities are located 3146  
within the district, for enforcement of this chapter and rules, 3147  
orders, and terms and conditions of permits, licenses, and 3148  
variances adopted or issued under it, other than the hazardous 3149  
waste provisions of this chapter and rules adopted and orders 3150  
and terms and conditions of permits issued under those 3151  
provisions; 3152

(4) Providing financial assistance to each county within 3153  
the district to defray the added costs of maintaining roads and 3154  
other public facilities and of providing emergency and other 3155  
public services resulting from the location and operation of a 3156  
solid waste facility within the county under the district's 3157  
approved solid waste management plan or amended plan; 3158

(5) Pursuant to contracts entered into with boards of 3159  
health within the district, if solid waste facilities contained 3160

in the district's approved plan or amended plan are located 3161  
within the district, for paying the costs incurred by those 3162  
boards of health for collecting and analyzing samples from 3163  
public or private water wells on lands adjacent to those 3164  
facilities; 3165

(6) Developing and implementing a program for the 3166  
inspection of solid wastes generated outside the boundaries of 3167  
this state that are disposed of at solid waste facilities 3168  
included in the district's approved solid waste management plan 3169  
or amended plan; 3170

(7) Providing financial assistance to boards of health 3171  
within the district for the enforcement of section 3734.03 of 3172  
the Revised Code or to local law enforcement agencies having 3173  
jurisdiction within the district for enforcing anti-littering 3174  
laws and ordinances; 3175

(8) Providing financial assistance to boards of health of 3176  
health districts within the district that are on the approved 3177  
list under section 3734.08 of the Revised Code to defray the 3178  
costs to the health districts for the participation of their 3179  
employees responsible for enforcement of the solid waste 3180  
provisions of this chapter and rules adopted and orders and 3181  
terms and conditions of permits, licenses, and variances issued 3182  
under those provisions in the training and certification program 3183  
as required by rules adopted under division (L) of section 3184  
3734.02 of the Revised Code; 3185

(9) Providing financial assistance to individual municipal 3186  
corporations and townships within the district to defray their 3187  
added costs of maintaining roads and other public facilities and 3188  
of providing emergency and other public services resulting from 3189  
the location and operation within their boundaries of a 3190

composting, energy or resource recovery, incineration, or 3191  
recycling facility that either is owned by the district or is 3192  
furnishing solid waste management facility or recycling services 3193  
to the district pursuant to a contract or agreement with the 3194  
board of county commissioners or directors of the district; 3195

(10) Payment of any expenses that are agreed to, awarded, 3196  
or ordered to be paid under section 3734.35 of the Revised Code 3197  
and of any administrative costs incurred pursuant to that 3198  
section. In the case of a joint solid waste management district, 3199  
if the board of county commissioners of one of the counties in 3200  
the district is negotiating on behalf of affected communities, 3201  
as defined in that section, in that county, the board shall 3202  
obtain the approval of the board of directors of the district in 3203  
order to expend moneys for administrative costs incurred. 3204

(11) Providing financial assistance to individual 3205  
counties, boards of health, municipal corporations, and 3206  
townships for the costs of mitigating impacts to public health, 3207  
safety, and welfare of solid waste disposal or transfer 3208  
facilities within the applicable political subdivision. 3209

Prior to the approval of the district's solid waste 3210  
management plan under section 3734.55 of the Revised Code, 3211  
moneys in the special fund of the district arising from the fees 3212  
shall be expended for those purposes in the manner prescribed by 3213  
the solid waste management policy committee by resolution. 3214

~~Notwithstanding division (G) (6) of this section as it 3215~~  
~~existed prior to October 29, 1993, or any provision in a 3216~~  
~~district's solid waste management plan prepared in accordance 3217~~  
~~with division (B) (2) (c) of section 3734.53 of the Revised Code 3218~~  
~~as it existed prior to that date, any moneys arising from the 3219~~  
~~fees levied under division (B) (3) of this section prior to 3220~~

~~January 1, 1994, may be expended for any of the purposes~~ 3221  
~~authorized in divisions (G) (1) to (10) of this section.~~ 3222

(H) The director shall adopt rules in accordance with 3223  
Chapter 119. of the Revised Code prescribing procedures for 3224  
collecting and forwarding the fees levied under divisions (B) 3225  
and (C) of this section to the boards of county commissioners or 3226  
directors of county or joint solid waste management districts 3227  
and to the treasurers or other officers of municipal 3228  
corporations and the fiscal officers of townships. The rules 3229  
also shall prescribe the dates for forwarding the fees to the 3230  
boards and officials and may prescribe any other requirements 3231  
the director considers necessary or appropriate to implement and 3232  
administer divisions (A), (B), and (C) of this section. 3233

**Sec. 3734.574.** (A) (1) A county or joint solid waste 3234  
management district that is levying fees under division (B) of 3235  
section 3734.57 of the Revised Code on October 29, 1993, 3236  
pursuant to a resolution adopted under that division and former 3237  
Section 25 of Am. Sub. S.B. 359 of the 119th general assembly, 3238  
or one that is levying those fees pursuant to such a resolution 3239  
and for which the director of environmental protection 3240  
disapproves the initial solid waste management plan of the 3241  
district under section 3734.55 of the Revised Code on or after 3242  
October 29, 1993, may continue to ~~levy~~ levy those fees until 3243  
the district abolishes them under division (D) of this section, 3244  
the director issues an order under division (F) of this section 3245  
requiring the district to cease levying the fees, or the 3246  
district obtains approval of its own plan under section 3734.521 3247  
or 3734.56 of the Revised Code and collection of the fees 3248  
established in the approved plan commences in accordance with 3249  
division (B) of section 3734.57 of the Revised Code. 3250

(2) A county or joint solid waste management district that 3251  
is levying fees under division (B) of section 3734.57 of the 3252  
Revised Code or division (A) of section 3734.573 of the Revised 3253  
Code under an initial or amended solid waste management plan 3254  
approved under section 3734.521, 3734.55, or 3734.56 of the 3255  
Revised Code when the director issues an order under division 3256  
(D) ~~or (F)~~ of section 3734.521 of the Revised Code or division 3257  
(A) or (B) of section 3734.56 of the Revised Code requiring the 3258  
district to implement an amended plan prepared by the director, 3259  
may continue to levy those fees until the district abolishes 3260  
them under division (D) of this section, the director issues an 3261  
order under division (F) of this section requiring the district 3262  
to cease levying the fees, or the district obtains approval of 3263  
its own plan or amended plan under section 3734.521 or 3734.56 3264  
of the Revised Code and collection of the fees established in 3265  
the approved plan or amended plan commences in accordance with 3266  
division (B) of section 3734.57 of the Revised Code. 3267

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

the Revised Code or division (A) of section 3734.573 of the 3282  
Revised Code by adopting and obtaining ratification of a 3283  
resolution specifying which of the fees are to be levied and 3284  
their amounts. The requirements and procedures set forth in 3285  
division (B) of section 3734.57 of the Revised Code governing 3286  
the adoption of resolutions levying fees under that division, 3287  
the ratification of those resolutions, and the notification of 3288  
owners and operators of solid waste facilities required to 3289  
collect fees under those divisions govern the adoption and 3290  
ratification of resolutions levying fees under this division and 3291  
the notification of owners and operators required to collect the 3292  
fees levied under this division, except as otherwise 3293  
specifically provided in division (C) of this section. Any such 3294  
district may levy fees under this division until the district 3295  
abolishes the fees under division (D) of this section, the 3296  
director issues an order under division (F) of this section 3297  
requiring the district to cease levying the fees, or the 3298  
district obtains approval of its own plan or amended plan under 3299  
section 3734.521 or 3734.56 of the Revised Code and collection 3300  
of the fees established in the approved plan or amended plan 3301  
commences in accordance with division (B) of section 3734.57 of 3302  
the Revised Code. 3303

(C) Any resolution adopted under division (B) of this 3304  
section that proposes to levy a fee under division (A) of 3305  
section 3734.573 of the Revised Code that exceeds five dollars 3306  
per ton shall be ratified in accordance with the provisions of 3307  
division (B) of section 3734.57 of the Revised Code, except that 3308  
such a resolution shall be approved by a combination of 3309  
municipal corporations and townships with a combined population 3310  
within the boundaries of the district comprising at least 3311  
seventy-five per cent, rather than at least sixty per cent, of 3312

the total population of the district. 3313

(D) The policy committee of a county or joint district may 3314  
amend fees levied by the district under division (A) or (B) of 3315  
this section by adopting and obtaining ratification of a 3316  
resolution establishing the proposed amount of the amended fees. 3317  
The committee may abolish any of those fees or any amended fees 3318  
established under this division by adopting and obtaining 3319  
ratification of a resolution repealing them. A district that is 3320  
proposing at the same time to amend or abolish the fees levied 3321  
under divisions (A) and (B) of this section may adopt one 3322  
resolution proposing the amendment or repeal of all of the fees. 3323  
The requirements and procedures under division (B) and, if 3324  
applicable, division (C) of this section govern the adoption and 3325  
ratification of a resolution authorized to be adopted under this 3326  
division and the notification of owners and operators of solid 3327  
waste facilities required to collect the fees. Collection of the 3328  
fees so amended or abolished commences or ceases in accordance 3329  
with division (B) of section 3734.57 of the Revised Code. 3330

(E) Not later than thirty days before the beginning of 3331  
each calendar quarter, the board of county commissioners or 3332  
board of directors of a district that is levying fees under 3333  
division (A) or (B) of this section shall submit to the director 3334  
a proposed budget for the expenditure of moneys from the special 3335  
fund of the district created under division (G) of section 3336  
3734.57 of the Revised Code. The proposed budget shall be 3337  
submitted on a form prescribed by the director. 3338

The director may disapprove in whole or in part such a 3339  
proposed quarterly budget for any of the following reasons: 3340

(1) The proposed budget includes expenditures for any 3341  
purpose other than those authorized under ~~divisions (C) (1) to~~ 3342

~~(10)~~ division (G) of section 3734.57 of the Revised Code; 3343

(2) The director reasonably estimates that there will be 3344  
insufficient moneys in the special fund created to meet the 3345  
proposed expenditures; 3346

(3) The board failed to submit the proposed budget to the 3347  
director at least thirty days prior to the beginning of the 3348  
calendar quarter to which it pertains; 3349

(4) The board failed to submit the latest report of 3350  
quarterly expenditures from the fund that it was required to 3351  
submit under section 3734.575 of the Revised Code within thirty 3352  
days after the end of the calendar quarter to which it pertains; 3353

(5) The district is materially failing to comply with the 3354  
implementation schedule contained in the plan or amended plan of 3355  
the district prepared and ordered to be implemented under 3356  
section 3734.521, 3734.55, or 3734.56 of the Revised Code; 3357

(6) There have been repeated inconsistencies between the 3358  
expenditures projected in the proposed budgets submitted under 3359  
division (E) of this section and actual expenditures from the 3360  
fund. 3361

If the director does not disapprove a proposed quarterly 3362  
budget prior to the first day of the calendar quarter to which 3363  
it pertains, it is conclusively presumed that the proposed 3364  
budget has not been disapproved. 3365

Nothing in division (E) of this section precludes the 3366  
board of county commissioners or directors of a district from 3367  
making necessary expenditures to meet unforeseen circumstances 3368  
that occur during a calendar quarter that were not provided for 3369  
in the proposed budget for that quarter. Prior to making any 3370  
such expenditure, the board shall notify the director of the 3371



nature of the unforeseen circumstances and of the amount of the 3372  
expenditure needed to meet them. The board shall include an 3373  
explanation of the nature of the unforeseen circumstances and of 3374  
the necessity and amount of the expenditures to meet them in the 3375  
quarterly expenditure report for the quarter in which the 3376  
expenditures were made that is submitted to the director under 3377  
section 3734.575 of the Revised Code. 3378

(F) If the director finds that the board of county 3379  
commissioners or directors of a district that is levying fees 3380  
under division (A) or (B) of this section is in material and 3381  
continued noncompliance with the implementation schedule 3382  
contained in the plan or amended plan of the district prepared 3383  
and ordered to be implemented under section 3734.521, 3734.55, 3384  
or 3734.56 of the Revised Code, or if repeated whole or partial 3385  
disapprovals of the proposed quarterly budgets of the district 3386  
have occurred under division (E) of this section, the director 3387  
may issue an order to the board terminating the collection of 3388  
all of the fees levied by the district under division (A) or (B) 3389  
of this section. 3390

Notwithstanding section 119.06 of the Revised Code, the 3391  
director may issue an order under this division or disapprove in 3392  
whole or in part a proposed budget under division (E) of this 3393  
section by issuance of a final action that is effective upon 3394  
issuance without the necessity to hold any adjudication hearing 3395  
in connection with the order or disapproval and without the 3396  
issuance of a proposed action under section 3745.07 of the 3397  
Revised Code. 3398

(G) The director, in accordance with Chapter 119. of the 3399  
Revised Code, may adopt, amend, suspend, and rescind such rules 3400  
as the director considers to be necessary or appropriate to 3401

implement or administer this section or division (D) of section 3402  
3734.55 of the Revised Code. 3403

(H) Moneys received by a district levying fees under 3404  
division (A) or (B) of this section shall be credited to the 3405  
special fund of the district created in division (G) of section 3406  
3734.57 of the Revised Code and shall be used exclusively for 3407  
the purposes set forth in ~~divisions (C) (1) to (10)~~ division (G) 3408  
of that section in the manner prescribed by the solid waste 3409  
management policy committee of the district by resolution and 3410  
for the purposes of section 3734.551 of the Revised Code. 3411

**Section 2.** That existing sections 343.01, 343.011, 3412  
343.012, 343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3413  
3734.56, 3734.57, and 3734.574 of the Revised Code are hereby 3414  
repealed. 3415

**Section 3.** Section 3734.56 of the Revised Code is 3416  
presented in this act as a composite of the section as amended 3417  
by both S.B. 153 and S.B. 165 of the 120th General Assembly. The 3418  
General Assembly, applying the principle stated in division (B) 3419  
of section 1.52 of the Revised Code that amendments are to be 3420  
harmonized if reasonably capable of simultaneous operation, 3421  
finds that the composite is the resulting version of the section 3422  
in effect prior to the effective date of the section as 3423  
presented in this act. 3424