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Sub. S. B. No. 147

Senator Reineke

**Cosponsors: Senators Antonio, Blackshear, Cirino, Craig, DeMora, Hicks-Hudson,
Huffman, Ingram, Johnson, Lang, Manning, O'Brien, Patton, Schaffer, Timken,
Weinstein, Wilson**

**Representatives Click, Brennan, Dovilla, Mathews, T., McClain, Schmidt, Williams,
Willis**

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, 3734.574, and	3
3745.015 and to enact section 3734.522 of the	4
Revised Code to make changes to the laws	5
governing the transfer and disposal of solid	6
waste and construction and demolition debris and	7
to provide for new procedures governing a	8
county's withdrawal from a joint solid waste	9
management district.	10

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

Section 1. That sections 343.01, 343.011, 343.012,	11
343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3734.56,	12
3734.57, 3734.574, and 3745.015 be amended and section 3734.522	13
of the Revised Code be enacted to read as follows:	14

Sec. 343.01. (A) In order to comply with division (B) of	15
section 3734.52 of the Revised Code, the board of county	16

commissioners of each county shall do one of the following: 17

(1) Establish, by resolution, and maintain a county solid 18
waste management district under this chapter that consists of 19
all the incorporated and unincorporated territory within the 20
county except as otherwise provided in division (A) of this 21
section; 22

(2) With the boards of county commissioners of one or more 23
other counties establish, by agreement, and maintain a joint 24
solid waste management district under this chapter that consists 25
of all the incorporated and unincorporated territory within the 26
counties forming the joint district except as otherwise provided 27
in division (A) of this section. 28

If a municipal corporation is located in more than one 29
solid waste management district, the entire municipal 30
corporation shall be considered to be included in and shall be 31
under the jurisdiction of the district in which a majority of 32
the population of the municipal corporation resides. 33

A county and joint district established to comply with 34
division (B) of section 3734.52 of the Revised Code shall have a 35
population of not less than one hundred twenty thousand unless, 36
in the instance of a county district, the board of county 37
commissioners has obtained an exemption from that requirement 38
under division (C) (1) or (2) of that section. Each joint 39
district established to comply with an order issued under 40
division (D) of that section shall have a population of at least 41
one hundred twenty thousand. 42

(B) The boards of county commissioners of the counties 43
establishing a joint district constitute, collectively, the 44
board of directors of the joint district, except that if a 45

county with a form of legislative authority other than a board 46
of county commissioners participates, it shall be represented on 47
the board of directors by three persons appointed by the 48
legislative authority. 49

The agreement to establish and maintain a joint district 50
shall be ratified by resolution of the board of county 51
commissioners of each participating county. Upon ratification, 52
the board of directors shall take control of and manage the 53
joint district subject to this chapter, except that, in the case 54
of a joint district formed pursuant to division ~~(C)~~(B), ~~(D)~~(C), 55
or ~~(E)~~(D) of section 343.012 of the Revised Code, the board of 56
directors shall take control of and manage the district when the 57
formation of the district becomes final under the applicable 58
division. A majority of the board of directors constitutes a 59
quorum, and a majority vote is required for the board to act. 60

A county participating in a joint district may contribute 61
lands or rights or interests therein, money, other personal 62
property or rights or interests therein, or services to the 63
district. The agreement shall specify any contributions of 64
participating counties and the rights of the participating 65
counties in lands or personal property, or rights or interests 66
therein, contributed to or otherwise acquired by the joint 67
district. The agreement may be amended or added to by a majority 68
vote of the board of directors, but no amendment or addition 69
shall divest a participating county of any right or interest in 70
lands or personal property without its consent. 71

The board of directors may appoint and fix the 72
compensation of employees of, accept gifts, devises, and 73
bequests for, and take other actions necessary to control and 74
manage the joint district. Employees of the district shall be 75

considered county employees for the purposes of Chapter 124. of 76
the Revised Code and other provisions of state law applicable to 77
employees. Instead of or in addition to appointing employees of 78
the district, the board of directors may agree to use employees 79
of one or more of the participating counties in the service of 80
the joint district and to share in their compensation in any 81
manner that may be agreed upon. 82

The board of directors shall do one of the following: 83

(1) Designate the county auditor, including any other 84
official acting in a capacity similar to a county auditor under 85
a county charter, of a county participating in the joint 86
district as the fiscal officer of the district, and the county 87
treasurer, or other official acting in a capacity similar to a 88
county treasurer under a county charter, of that county as the 89
treasurer of the district. The designated county officials shall 90
perform any applicable duties for the district as each typically 91
performs for the county of which the individual is an official, 92
except as otherwise may be provided in any bylaws or resolutions 93
adopted by the board of directors. The board of directors may 94
pay to that county any amount agreed upon by the board of 95
directors and the board of county commissioners of that county 96
to reimburse that county for the cost properly allocable to the 97
service of its officials as fiscal officer and treasurer of the 98
joint district. 99

(2) Appoint one individual who is neither a county auditor 100
nor a county treasurer, and who may be an employee of the 101
district, to serve as both the treasurer of the district and its 102
fiscal officer. That individual shall act as custodian of the 103
funds of the board and the district and shall maintain all 104
accounts of the district. Any reference in this chapter or 105

Chapter 3734. of the Revised Code to a county auditor or county 106
treasurer serving as fiscal officer of a district or custodian 107
of any funds of a board or district is deemed to refer to an 108
individual appointed under division (B) (2) of this section. 109

The fiscal officer of a district shall establish a general 110
fund and any other necessary funds for the district. 111

(C) A board of county commissioners of a county district 112
or board of directors of a joint district may acquire, by 113
purchase or lease, construct, improve, enlarge, replace, 114
maintain, and operate such solid waste collection systems within 115
their respective districts and such solid waste facilities 116
within or outside their respective districts as are necessary 117
for the protection of the public health. A board of county 118
commissioners may acquire within its county real property or any 119
estate, interest, or right therein, by appropriation or any 120
other method, for use by a county or joint district in 121
connection with such facilities. Appropriation proceedings shall 122
be conducted in accordance with sections 163.01 to 163.22 of the 123
Revised Code. 124

(D) The sanitary engineer or sanitary engineering 125
department of a county maintaining a district and any sanitary 126
engineer or sanitary engineering department of a county in a 127
joint district, as determined by the board of directors, in 128
addition to other duties assigned to that engineer or 129
department, shall assist the board of county commissioners or 130
directors in the performance of their duties under this chapter 131
and sections 3734.52 to 3734.575 of the Revised Code and shall 132
be charged with any other duties and services in relation 133
thereto that the board prescribes. A board may employ registered 134
professional engineers to assist the sanitary engineer in those 135

duties and also may employ financial advisers and any other 136
professional services it considers necessary to assist it in the 137
construction, financing, and maintenance of solid waste 138
collection or other solid waste facilities. Such contracts of 139
employment shall not require the certificate provided in section 140
5705.41 of the Revised Code. Payment for such services may be 141
made from the general fund or any other fund legally available 142
for that use at times that are agreed upon or as determined by 143
the board of county commissioners or directors, and the funds 144
may be reimbursed from the proceeds of bonds or notes issued to 145
pay the cost of any improvement to which the services related. 146

(E) (1) The prosecuting attorney of the county shall serve 147
as the legal advisor of a county district and shall provide such 148
services to the board of county commissioners of the district as 149
are required or authorized to be provided to other county boards 150
under Chapter 309. of the Revised Code, except that, if the 151
board considers it to be necessary or appropriate, the board, on 152
its own initiative, may employ an attorney or other legal 153
counsel on an annual basis to serve as the legal advisor of the 154
district in place of the prosecuting attorney. When the 155
prosecuting attorney is serving as the district's legal advisor 156
and the board considers it to be necessary or appropriate, the 157
board, on its own initiative, may employ an attorney or other 158
legal counsel to represent or advise the board regarding a 159
particular matter in place of the prosecuting attorney. The 160
employment of an attorney or other legal counsel on an annual 161
basis or in a particular matter is not subject to or governed by 162
sections 305.14 and 309.09 of the Revised Code. 163

Notwithstanding the employment of an attorney or other 164
legal counsel on an annual basis to serve as the district's 165
legal advisor, the board may require written opinions or 166

instructions from the prosecuting attorney under section 309.09 167
of the Revised Code in matters connected with its official 168
duties as though the prosecuting attorney were serving as the 169
legal advisor of the district. 170

(2) The board of directors of a joint district may 171
designate the prosecuting attorney of one of the counties 172
forming the district to serve as the legal advisor of the 173
district. When so designated, the prosecuting attorney shall 174
provide such services to the joint district as are required or 175
authorized to be provided to county boards under Chapter 309. of 176
the Revised Code. The board of directors may pay to that county 177
any amount agreed upon by the board of directors and the board 178
of county commissioners of that county to reimburse that county 179
for the cost properly allocable to the services of its 180
prosecuting attorney as the legal advisor of the joint district. 181
When that prosecuting attorney is so serving and the board 182
considers it to be necessary or appropriate, the board, on its 183
own initiative, may employ an attorney or other legal counsel to 184
represent or advise the board regarding a particular matter in 185
place of the prosecuting attorney. 186

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

designated to serve as the district's legal advisor under 198
division (E) (2) of this section. 199

(F) A board of county commissioners may issue bonds or 200
bond anticipation notes of the county to pay the cost of 201
preparing general and detailed plans and other data required for 202
the construction of solid waste facilities in connection with a 203
county or joint district. A board of directors of a joint solid 204
waste management district may issue bonds or bond anticipation 205
notes of the joint solid waste management district to pay the 206
cost of preparing general and detailed plans and other data 207
required for the construction of solid waste facilities in 208
connection with a joint district. The bonds and notes shall be 209
issued in accordance with Chapter 133. of the Revised Code, 210
except that the maximum maturity of bonds issued for that 211
purpose shall not exceed ten years. Bond anticipation notes may 212
be paid from the proceeds of bonds issued either to pay the cost 213
of the solid waste facilities or to pay the cost of the plans 214
and other data. 215

(G) To the extent authorized by the solid waste management 216
plan of the district approved under section 3734.521 or 3734.55 217
of the Revised Code or subsequent amended plans of the district 218
approved under section 3734.521 or 3734.56 of the Revised Code, 219
the board of county commissioners of a county district or board 220
of directors of a joint district may adopt, publish, and enforce 221
rules doing any of the following: 222

(1) Prohibiting or limiting the receipt of solid wastes 223
generated outside the district or outside a service area 224
prescribed in the solid waste management plan or amended plan, 225
at facilities located within the solid waste management 226
district, consistent with the projections contained in the plan 227

or amended plan under divisions (A) (6) and (7) of section 228
3734.53 of the Revised Code. However, rules adopted by a board 229
under division (G) (1) of this section may be adopted and 230
enforced with respect to solid waste disposal facilities in the 231
solid waste management district that are not owned by a county 232
or the solid waste management district only if the board submits 233
an application to the director of environmental protection that 234
demonstrates that there is insufficient capacity to dispose of 235
all solid wastes that are generated within the district at the 236
solid waste disposal facilities located within the district and 237
the director approves the application. The demonstration in the 238
application shall be based on projections contained in the plan 239
or amended plan of the district. The director shall establish 240
the form of the application. The approval or disapproval of such 241
an application by the director is an action that is appealable 242
under section 3745.04 of the Revised Code. 243

In addition, the director of environmental protection may 244
issue an order modifying a rule adopted under division (G) (1) of 245
this section to allow the disposal in the district of solid 246
wastes from another county or joint solid waste management 247
district if all of the following apply: 248

(a) The district in which the wastes were generated does 249
not have sufficient capacity to dispose of solid wastes 250
generated within it for six months following the date of the 251
director's order. 252

(b) No new solid waste facilities will begin operation 253
during those six months in the district in which the wastes were 254
generated and, despite good faith efforts to do so, it is 255
impossible to site new solid waste facilities within the 256
district because of its high population density. 257

(c) The district in which the wastes were generated has 258
made good faith efforts to negotiate with other districts to 259
incorporate its disposal needs within those districts' solid 260
waste management plans, including efforts to develop joint 261
facilities authorized under section 343.02 of the Revised Code, 262
and the efforts have been unsuccessful. 263

(d) The district in which the wastes were generated has 264
located a facility willing to accept the district's solid wastes 265
for disposal within the receiving district. 266

(e) The district in which the wastes were generated has 267
demonstrated to the director that the conditions specified in 268
divisions (G) (1) (a) to (d) of this section have been met. 269

(f) The director finds that the issuance of the order will 270
be consistent with the state solid waste management plan and 271
that receipt of the out-of-district wastes will not limit the 272
capacity of the receiving district to dispose of its in-district 273
wastes to less than eight years. 274

Any order issued under division (G) (1) of this section 275
shall not become final until thirty days after it has been 276
served upon the county or joint solid waste management district 277
that will receive the out-of-district wastes either by certified 278
mail or, if the director has record of an internet identifier of 279
record associated with the district, by ordinary mail and by 280
that internet identifier of record. 281

(2) Governing the maintenance, protection, and use of 282
solid waste collection or other solid waste facilities located 283
within its district. The rules adopted under division (G) (2) of 284
this section shall not establish design standards for solid 285
waste facilities and shall be consistent with the solid waste 286

provisions of Chapter 3734. of the Revised Code and the rules 287
adopted under those provisions. The rules adopted under division 288
(G) (2) of this section may prohibit any person, municipal 289
corporation, township, or other political subdivision from 290
constructing, enlarging, or modifying any solid waste facility 291
until general plans and specifications for the proposed 292
improvement have been submitted to and approved by the board of 293
county commissioners or board of directors as complying with the 294
solid waste management plan or amended plan of the district. The 295
construction of such a facility shall be done under the 296
supervision of the county sanitary engineer or, in the case of a 297
joint district, a county sanitary engineer designated by the 298
board of directors, and any person, municipal corporation, 299
township, or other political subdivision proposing or 300
constructing such improvements shall pay to the county or joint 301
district all expenses incurred by the board in connection 302
therewith. The sanitary engineer may enter upon any public or 303
private property for the purpose of making surveys or 304
examinations necessary for designing solid waste facilities or 305
for supervising the construction, enlargement, modification, or 306
operation of any such facilities. No person, municipal 307
corporation, township, or other political subdivision shall 308
forbid or interfere with the sanitary engineer or the sanitary 309
engineer's authorized assistants entering upon such property for 310
that purpose. If actual damage is done to property by the making 311
of the surveys and examinations, a board shall pay the 312
reasonable value of that damage to the owner of the property 313
damaged, and the cost shall be included in the financing of the 314
improvement for which the surveys and examinations are made. 315

(3) Governing the development and implementation of a 316
program for the inspection of solid wastes generated outside the 317

boundaries of this state that are disposed of at solid waste 318
facilities included in the district's solid waste management 319
plan or amended plan. A board of county commissioners or board 320
of directors or its authorized representative may enter upon the 321
premises of any solid waste facility included in the district's 322
solid waste management plan or amended plan for the purpose of 323
conducting the inspections required or authorized by the rules 324
adopted under division (G) (3) of this section. No person, 325
municipal corporation, township, or other political subdivision 326
shall forbid or interfere with a board of county commissioners 327
or directors or its authorized representative entering upon the 328
premises of any such solid waste facility for that purpose. 329

(4) Exempting the owner or operator of any existing or 330
proposed solid waste facility provided for in the plan or 331
amended plan from compliance with any amendment to a township 332
zoning resolution adopted under section 519.12 of the Revised 333
Code or to a county rural zoning resolution adopted under 334
section 303.12 of the Revised Code that rezoned or redistricted 335
the parcel or parcels upon which the facility is to be 336
constructed or modified and that became effective within two 337
years prior to the filing of an application for a permit 338
required under division (A) (2) (a) of section 3734.05 of the 339
Revised Code to open a new or modify an existing solid waste 340
facility. 341

(H) A board of county commissioners or board of directors 342
may enter into a contract with any person, municipal 343
corporation, township, or other political subdivision for the 344
operation and maintenance of any solid waste facilities 345
regardless of whether the facilities are owned or leased by the 346
county or joint district or the contractor. 347

(I) (1) No person, municipal corporation, township, or 348
other political subdivision shall tamper with or damage any 349
solid waste facility constructed under this chapter or any 350
apparatus or accessory connected therewith or pertaining 351
thereto, fail or refuse to comply with the applicable rules 352
adopted by a board of county commissioners or directors under 353
division (G) (1), (2), (3), or (4) of this section, refuse to 354
permit an inspection or examination by a sanitary engineer as 355
authorized under division (G) (2) of this section, or refuse to 356
permit an inspection by a board of county commissioners or 357
directors or its authorized representative as required or 358
authorized by rules adopted under division (G) (3) of this 359
section. 360

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

county commissioners of a county district or board of directors 379
of a joint district may grant a waiver authorizing the delivery 380
of all or any portion of the solid wastes generated in a 381
municipal corporation or township to a solid waste facility 382
other than the facility designated under section 343.013, 383
343.014, or 343.015 of the Revised Code, or in the initial or 384
amended plan of the district prepared and ordered to be 385
implemented under section 3734.521, 3734.55, or 3734.56 of the 386
Revised Code, as applicable, regardless of whether the other 387
facility is located within or outside of the district, if the 388
board finds that delivery of those solid wastes to the other 389
facility is not inconsistent with the projections contained in 390
the district's initial or amended plan under divisions (A) (6) 391
and (7) of section 3734.53 of the Revised Code as approved or 392
ordered to be implemented and will not adversely affect the 393
implementation and financing of the district's initial or 394
amended plan pursuant to the implementation schedule contained 395
in it under divisions (A) (12) (a) to (d) of that section. The 396
board shall act on a request for such a waiver within ninety 397
days after receiving the request. Upon granting such a waiver, 398
the board shall send notice of that fact to the director. The 399
notice shall indicate to whom the waiver was granted. Any waiver 400
or authorization granted by a board on or before October 29, 401
1993, shall continue in force until the board takes action 402
concerning the same entity under this division or until action 403
is taken under division (G) of section 343.014 of the Revised 404
Code. 405

(J) Divisions (G) (1) to (4) and (I) (2) of this section do 406
not apply to the construction, operation, use, repair, 407
enlargement, or modification of either of the following: 408

(1) A solid waste facility owned by a generator of solid 409

wastes when the solid waste facility exclusively disposes of 410
solid wastes generated at one or more premises owned by the 411
generator regardless of whether the facility is located on a 412
premises where the wastes are generated; 413

(2) A facility that exclusively disposes of wastes that 414
are generated from the combustion of coal, or from the 415
combustion of primarily coal in combination with scrap tires, 416
that is not combined in any way with garbage at one or more 417
premises owned by the generator. 418

(K) (1) A member of the board of county commissioners of a 419
county solid waste management district, member of the board of 420
directors of a joint solid waste management district, member of 421
the board of trustees of a regional solid waste management 422
authority managing a county or joint solid waste management 423
district, or officer or employee of any solid waste management 424
district, for the purposes of sections 102.03, 102.04, 2921.41, 425
and 2921.42 of the Revised Code, shall not be considered to be 426
directly or indirectly interested in, or improperly influenced 427
by, any of the following: 428

(a) A contract entered into under this chapter or section 429
307.15 or sections 3734.52 to 3734.575 of the Revised Code 430
between the district and any county forming the district, 431
municipal corporation or township located within the district, 432
or health district having territorial jurisdiction within the 433
district, of which that member, officer, or employee also is an 434
officer or employee, but only to the extent that any interest or 435
influence could arise from holding public office or employment 436
with the political subdivision or health district; 437

(b) A contract entered into under this chapter or section 438
307.15 or sections 3734.52 to 3734.575 of the Revised Code 439

between the district and a county planning commission organized 440
under section 713.22 of the Revised Code, or regional planning 441
commission created under section 713.21 of the Revised Code, 442
having territorial jurisdiction within the district, of which 443
that member also is a member, officer, or employee, but only to 444
the extent that any interest or influence could arise from 445
holding public office or employment with the commission; 446

(c) An expenditure of money made by the district for the 447
benefit of any county forming the district, municipal 448
corporation or township located within the district, or health 449
district or county or regional planning commission having 450
territorial jurisdiction within the district, of which that 451
member also is a member, officer, or employee, but only to the 452
extent that any interest or influence could arise from holding 453
public office or employment with the political subdivision, 454
health district, or commission; 455

(d) An expenditure of money made for the benefit of the 456
district by any county forming the district, municipal 457
corporation or township located within the district, or health 458
district or county or regional planning commission having 459
territorial jurisdiction within the district, of which that 460
member also is a member, officer, or employee, but only to the 461
extent that any interest or influence could arise from holding 462
public office or employment with the political subdivision, 463
health district, or commission. 464

(2) A solid waste management district, county, municipal 465
corporation, township, health district, or planning commission 466
described or referred to in divisions (K)(1)(a) to (d) of this 467
section shall not be construed to be the business associate of a 468
person who is concurrently a member of the board of county 469

commissioners, directors, or trustees, or an officer or 470
employee, of the district and an officer or employee of that 471
municipal corporation, county, township, health district, or 472
planning commission for the purposes of sections 102.03, 473
2921.42, and 2921.43 of the Revised Code. Any person who is 474
concurrently a member of the board of county commissioners, 475
directors, or trustees, or an officer or employee, of a solid 476
waste management district so described or referred to and an 477
officer or employee of a county, municipal corporation, 478
township, health district, or planning commission so described 479
or referred to may participate fully in deliberations concerning 480
and vote on or otherwise participate in the approval or 481
disapproval of any contract or expenditure of funds described in 482
those divisions as a member of the board of county commissioners 483
or directors, or an officer or employee, of a county or joint 484
solid waste management district; member of the board of 485
trustees, or an officer or employee, of a regional solid waste 486
management authority managing a county or joint solid waste 487
management district; member of the legislative authority, or an 488
officer or employee, of a county forming the district; member of 489
the legislative authority, or an officer or employee, of a 490
municipal corporation or township located within the district; 491
member of the board of health, or an officer or employee, of a 492
health district having territorial jurisdiction within the 493
district; or member of the planning commission, or an officer or 494
employee of a county or regional planning commission having 495
territorial jurisdiction within the district. 496

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

of interest arising because of a personal or private business 501
interest. 502

(4) A member of the board of county commissioners of a 503
county solid waste management district, board of directors of a 504
joint solid waste management district, or board of trustees of a 505
regional solid waste management authority managing a county or 506
joint solid waste management district, or an officer or 507
employee, of any such solid waste management district, neither 508
shall be disqualified from holding any other public office or 509
position of employment nor be required to forfeit any other 510
public office or position of employment by reason of serving as 511
a member of the board of county commissioners, directors, or 512
trustees, or as an officer or employee, of the district, 513
notwithstanding any requirement to the contrary under the common 514
law of this state or the Revised Code. 515

(L) As used in this chapter: 516

(1) "Board of health," "disposal," "health district," 517
"scrap tires," and "solid waste transfer facility" have the same 518
meanings as in section 3734.01 of the Revised Code. 519

(2) "Change in district composition" and "change" have the 520
same meaning as in section 3734.521 of the Revised Code. 521

(3) (a) Except as provided in division (L) (3) (b) or (c), 522
and (d), of this section, "solid wastes" has the same meaning as 523
in section 3734.01 of the Revised Code. 524

(b) If the solid waste management district is not one that 525
resulted from proceedings for a change in district composition 526
under sections 343.012 and 3734.521 of the Revised Code, until 527
such time as an amended solid waste management plan is approved 528
under section 3734.56 of the Revised Code, "solid wastes" need 529

not include scrap tires unless the solid waste management policy 530
committee established under section 3734.54 of the Revised Code 531
for the district chooses to include the management of scrap 532
tires in the district's initial solid waste management plan 533
prepared under sections 3734.54 and 3734.55 of the Revised Code. 534

(c) If the solid waste management district is one 535
resulting from proceedings for a change in district composition 536
under sections 343.012 and 3734.521 of the Revised Code and if 537
the change involves an existing district that is operating under 538
either an initial solid waste management plan approved or 539
prepared and ordered to be implemented under section 3734.55 of 540
the Revised Code or an initial or amended plan approved or 541
prepared and ordered to be implemented under section 3734.521 of 542
the Revised Code that does not provide for the management of 543
scrap tires and scrap tire facilities, until such time as the 544
amended plan of the district resulting from the change is 545
approved under section 3734.56 of the Revised Code, "solid 546
wastes" need not include scrap tires unless the solid waste 547
management policy committee established under division (C) of 548
section 3734.521 of the Revised Code for the district chooses to 549
include the management of scrap tires in the district's initial 550
or amended solid waste management plan prepared under section 551
3734.521 of the Revised Code in connection with the change 552
proceedings. 553

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

managing solid wastes that consist of scrap tires. 561

(4) (a) Except as provided in division (L) (4) (b) or (c), 562
and (d) of this section, "facility" has the same meaning as in 563
section 3734.01 of the Revised Code and also includes any solid 564
waste transfer, recycling, or resource recovery facility. 565

(b) If the solid waste management district is not one that 566
resulted from proceedings for a change in district composition 567
under sections 343.012 and 3734.521 of the Revised Code, until 568
such time as an amended solid waste management plan is approved 569
under section 3734.56 of the Revised Code, "facility" need not 570
include any scrap tire collection, storage, monocell, monofill, 571
or recovery facility unless the solid waste management policy 572
committee established under section 3734.54 of the Revised Code 573
for the district chooses to include the management of scrap tire 574
facilities in the district's initial solid waste management plan 575
prepared under sections 3734.54 and 3734.55 of the Revised Code. 576

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

include the management of scrap tires in the district's initial 591
or amended solid waste management plan prepared under section 592
3734.521 of the Revised Code in connection with the change 593
proceedings. 594

(d) If the policy committee chooses to include the 595
management of scrap tires in an initial plan prepared under 596
sections 3734.54 and 3734.55 of the Revised Code or in an 597
initial or amended plan prepared under section 3734.521 of the 598
Revised Code, the board of county commissioners or directors 599
shall execute all of the duties imposed and may exercise any or 600
all of the rights granted under this section for the purpose of 601
managing solid waste facilities that are scrap tire collection, 602
storage, monocell, monofill, or recovery facilities. 603

(M) As used in this section: 604

(1) "Source separated recyclable materials" means 605
materials that are separated from other solid wastes at the 606
location where the materials are generated for the purpose of 607
recycling the materials at a legitimate recycling facility. 608

(2) "Legitimate recycling facility" has the same meaning 609
as in rule 3745-27-01 of the Administrative Code. 610

(3) "Internet identifier of record" has the same meaning 611
as in section 9.312 of the Revised Code. 612

Sec. 343.011. (A) The board of county commissioners of a 613
county or the board of directors of a joint solid waste 614
management district established under this chapter, upon its own 615
initiative or at the request of the legislative authority of any 616
municipal corporation or township located in the district, may 617
adopt a resolution proposing the formation of a regional solid 618
waste management authority for the purpose of executing all the 619

duties and responsibilities imposed on or granted to the board 620
under this chapter. Upon adoption of such a resolution, the 621
board shall send a copy of it to the legislative authority of 622
each municipal corporation and township located in the district 623
and shall request each legislative authority to vote on the 624
question of the formation of such a regional authority. 625

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

district or ~~his~~ the health commissioner's designee, and one 651
member representing the public to be appointed by the other 652
members of the board. 653

The agreement forming the regional authority shall be 654
adopted in the same manner as the initial proposal to form the 655
regional authority. Not later than thirty days after the 656
adoption of the agreement, the board of trustees appointed under 657
it shall mail a copy of the agreement to the director of 658
environmental protection. 659

(B) Following the formation of a regional solid waste 660
management authority under division (A) of this section, all the 661
duties and responsibilities imposed on or granted to a board of 662
county commissioners or a board of directors under this chapter 663
shall be vested in and exercised by the board of trustees of the 664
regional authority. Those duties and responsibilities shall 665
include, without limitation, all of the following: 666

(1) Appointment of employees necessary to manage the 667
affairs of the district, including, without limitation, an 668
executive director, and a sanitary engineer or engineers to 669
execute the responsibilities assigned to the county sanitary 670
engineer under this chapter; 671

(2) Acquisition, construction, improvement, enlargement, 672
replacement, maintenance, and operation of solid waste 673
facilities within the district; 674

(3) Issuance of bonds and bond anticipation notes in 675
accordance with Chapter 133. of the Revised Code. 676

(C) In addition to the duties and responsibilities 677
identified in division (B) of this section and division (H) of 678
section 3734.54 of the Revised Code, the board of trustees of a 679

regional solid waste management authority may do any of the 680
following: 681

(1) Adopt bylaws for the regulation of its affairs and the 682
conduct of its business; 683

(2) Maintain an office within its county or joint solid 684
waste management district; 685

(3) Provide coverage for its employees under Chapters 686
145., 4123., and 4141. of the Revised Code and procure and pay 687
all or any part of the cost of group hospitalization, surgical, 688
major medical, and sickness and accident insurance and group 689
life insurance for its employees; 690

(4) Procure insurance against loss to the regional 691
authority by reason of damages to its properties resulting from 692
fire, theft, accident, or other casualties or by reason of its 693
liability for any damages to persons or property occurring in 694
the construction or operation of facilities under its 695
jurisdiction or the conduct of its activities; 696

(5) Procure a policy or policies insuring members of the 697
board of trustees against liability on account of damages or 698
injury to persons and property resulting from any act or 699
omission of a member in ~~his~~ the member's official capacity as a 700
member of the board or resulting solely out of ~~his~~ membership on 701
the board; 702

(6) Sue or be sued; 703

(7) Make contracts in the exercise of the rights, powers, 704
and duties conferred upon the regional authority; 705

(8) Do all acts necessary or proper to carry out the 706
duties and responsibilities imposed on or granted to the board 707

under this chapter and sections 3734.52 to 3734.575 of the 708
Revised Code. 709

(D) The board of trustees of a regional solid waste 710
management authority in a county solid waste management district 711
may designate the prosecuting attorney of the county to serve as 712
the legal advisor of the authority, and the board of trustees of 713
an authority in a joint district may designate the prosecuting 714
attorney of one of the counties forming the district to serve as 715
the legal advisor of the authority. The designated prosecuting 716
attorney shall provide such services to the authority as are 717
required or authorized to be provided to county boards under 718
Chapter 309. of the Revised Code. The board of trustees may pay 719
to the county whose prosecuting attorney is serving as the 720
authority's legal advisor any amount agreed upon by the board of 721
trustees and the board of county commissioners of that county to 722
reimburse that county for the cost properly allocable to the 723
services of its prosecuting attorney as the authority's legal 724
advisor. When a prosecuting attorney is so serving and the board 725
considers it to be necessary or appropriate, the board, on its 726
own initiative, may employ an attorney or other legal counsel to 727
advise the board regarding a particular matter in place of the 728
prosecuting attorney. 729

Instead of designating the prosecuting attorney of the 730
county or of one of the counties forming the district, as 731
appropriate, to be the legal advisor of the regional authority, 732
the board of trustees may employ on an annual basis an attorney 733
or other legal counsel to serve as the authority's legal 734
advisor. Notwithstanding the employment of an attorney or other 735
legal counsel on an annual basis as the authority's legal 736
advisor, the board of trustees may require written opinions or 737
instructions from the prosecuting attorney of the county or, in 738

the case of a joint district, any of the counties forming the 739
district in matters connected with the board's official duties, 740
and the prosecuting attorney shall provide the written opinion 741
or instructions as though ~~he~~ the prosecuting attorney had been 742
designated to serve as the authority's legal advisor under this 743
division. 744

(E) Within ninety days after October 29, 1993, one member 745
representing industrial, commercial, or institutional generators 746
of solid wastes within the district and one member representing 747
the general interests of citizens who shall have no conflict of 748
interest through affiliation with a waste management company or 749
with any entity that is a significant generator of solid wastes 750
shall be added to the board of trustees of a regional authority 751
formed in a county district. In the case of a regional authority 752
formed in a joint district, one member shall be added to the 753
board of trustees from each county that is a member of the joint 754
district to represent industrial, commercial, or institutional 755
generators of solid wastes within the county, and one member 756
shall be added to the board from each such county to represent 757
the general interests of citizens who shall have no conflict of 758
interest through affiliation with a waste management company or 759
with any entity that is a significant generator of solid wastes. 760
The members representing generators and the general interests of 761
citizens shall be added to the board of trustees without the 762
necessity for amending the agreement to form the regional 763
authority. They shall be appointed in the same manner as the 764
public member of the board is required to be appointed under 765
this section and shall serve for terms of the same length as the 766
other members, as provided in the agreement. 767

(F) As used in this chapter and in division (E) of section 768
3714.07 of the Revised Code, divisions (D) to (H) of section 769

3734.57 of the Revised Code, and sections 3734.522, 3734.571,
3734.572, 3734.573, 3734.574, and 3734.575 of the Revised Code,
and as used in Chapter 133. of the Revised Code for the purposes
of this chapter, any reference to a board of county
commissioners of a county or a board of directors of a joint
solid waste management district is deemed to include the board
of trustees of a regional solid waste management authority, and
any reference to the county sanitary engineer is deemed to
include any sanitary engineer employed by a regional authority.

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

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

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

~~(B) The board of county commissioners of a county forming
a joint solid waste management district may initiate proceedings
to withdraw from the district by adopting a resolution
requesting to withdraw. Upon adopting the resolution, the board
shall deliver a copy of it to the board of directors of the
district. Upon receiving the resolution, the board of directors
shall deliver written notice of the proposed withdrawal to the
boards of county commissioners of the other counties forming the
district. Within sixty days after receiving the notice, the
other boards of county commissioners each shall adopt a
resolution approving or disapproving the proposed withdrawal and
deliver a copy of the resolution to the board of directors. If
any of the other boards of county commissioners adopts a
resolution of disapproval, the board of directors shall declare
the proposed withdrawal to be disapproved and shall deliver
written notice of the disapproval to the boards of county~~

~~commissioners of the affected counties. If all of the other~~ 800
~~boards of county commissioners adopt a resolution approving the~~ 801
~~proposed withdrawal, the board of directors shall declare the~~ 802
~~withdrawal to be approved and shall deliver written notice of~~ 803
~~the approval to the boards of county commissioners of the~~ 804
~~affected counties. The board of directors shall determine~~ 805
~~whether the withdrawal has been approved or disapproved and~~ 806
~~deliver the required written notice of the approval or~~ 807
~~disapproval to the boards of county commissioners of the~~ 808
~~affected counties within thirty days after receiving the~~ 809
~~resolutions of approval or disapproval from those boards.~~ 810
~~Promptly after the approval of the withdrawal, proceedings shall~~ 811
~~be initiated in accordance with division (E) of section 3734.521~~ 812
~~of the Revised Code to effect the withdrawal.~~ 813

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

~~consistent with the agreement to establish and maintain the~~ 831
~~district entered into and ratified under division (A) of section~~ 832
~~343.01 of the Revised Code and the prior contributions of the~~ 833
~~withdrawing county.~~ 834

~~If the withdrawal of one or more counties would leave only~~ 835
~~one county participating in a joint district, the board of~~ 836
~~directors shall ascertain, apportion, and order a final division~~ 837
~~of the funds on hand, credits, and real and personal property of~~ 838
~~the district. On and after the first day of January on which the~~ 839
~~latest withdrawal of a county from the district becomes final,~~ 840
~~the district shall be dissolved. When a joint district is~~ 841
~~dissolved and any indebtedness remains unpaid, the boards of~~ 842
~~county commissioners shall continue to levy and collect taxes~~ 843
~~for the payment of the indebtedness in support of the joint~~ 844
~~district in the amounts established by the agreement at the time~~ 845
~~the indebtedness was incurred.~~ 846

~~For the purposes of this division, "counties forming the~~ 847
~~joint district" include only the following:~~ 848

~~(1) The counties that are named as members of the joint~~ 849
~~district in the solid waste management plan or amended plan of~~ 850
~~the district approved or ordered to be implemented under section~~ 851
~~3734.521, 3734.55, or 3734.56 of the Revised Code in effect when~~ 852
~~the withdrawal proceeding was initiated and that have not~~ 853
~~previously initiated proceedings under division (B) of this~~ 854
~~section to withdraw from the joint district;~~ 855

~~(2) Any counties named as members of the joint district in~~ 856
~~that plan or amended plan that have initiated a withdrawal~~ 857
~~proceeding under division (B) of this section that has been~~ 858
~~declared to be disapproved under that division;~~ 859

~~(3) If joinder proceedings had previously been concluded under division (D) of this section since that plan or amended plan was approved or ordered to be implemented, any county whose joinder to the district was declared to be approved in those proceedings.~~ 860
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~~(C)~~ (B) (1) The board of county commissioners of a county seeking to establish a new joint district with the board of county commissioners of one or more other counties may initiate proceedings to do so by adopting a resolution proposing the establishment of the joint district. Upon adopting the resolution, the board shall deliver a copy of it to the boards of county commissioners of the other counties to be included in the proposed joint district. 865
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(2) If the board proposing the establishment of a new joint district also has initiated proceedings to withdraw from an existing joint district under ~~division (B) of this section~~ 3734.522 of the Revised Code, the board shall not adopt a resolution proposing the establishment until after the ~~proposed withdrawal has been declared to be approved~~ memorandum of understanding has been executed in accordance with that section and, ~~upon adopting the resolution, shall deliver the board~~ delivers a copy of the ~~written notice declaring the withdrawal to be approved under that division~~ memorandum of understanding to the other boards along with the copy of the resolution proposing the establishment of the new district. 873
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(3) Within sixty days after receiving the resolution proposing the establishment of the new joint district and, if applicable, a copy of the ~~notice of the approval of the withdrawal~~ memorandum of understanding, each of the other boards shall adopt a resolution approving or disapproving the proposed 885
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establishment and deliver a copy of it to the board of county 890
commissioners proposing the establishment. However, if any of 891
the other boards also has ~~initiated~~ entered into withdrawal 892
proceedings under ~~division (B) of this section~~ 3734.522 of the 893
Revised Code, and if the withdrawal has been declared to be 894
~~disapproved or has not yet been declared to be approved or~~ 895
~~disapproved under that division, that board need not adopt a~~ 896
~~resolution concerning the proposed establishment, but~~ such board 897
shall deliver to the board of county commissioners proposing the 898
establishment a copy of the ~~written notice of the disapproval~~ 899
~~or, if the withdrawal has not yet been declared to be approved~~ 900
~~or disapproved, written notice of that fact. If the withdrawal~~ 901
~~has been declared to be approved under division (B) of this~~ 902
~~section, the board shall deliver a copy of the written notice of~~ 903
~~the approval with the copy of its resolution approving or~~ 904
~~disapproving the proposed establishment~~ executed memorandum of 905
understanding entered into under that section. If any of the 906
other boards adopts a resolution of disapproval, ~~or if any of~~ 907
~~the other boards initiated withdrawal proceedings under division~~ 908
~~(B) of this section and the withdrawal either has been declared~~ 909
~~to be disapproved under that division or has not yet been~~ 910
~~declared to be approved or disapproved under that division when~~ 911
~~the board of county commissioners so notified the board of~~ 912
~~county commissioners proposing the establishment, the board of~~ 913
county commissioners proposing the establishment shall declare 914
the proposed establishment to be disapproved and shall deliver 915
written notice of the disapproval to the other boards. If all of 916
the other boards adopt a resolution approving the establishment, 917
and, ~~if any of the other boards initiated such withdrawal~~ 918
~~proceedings, the withdrawal already has been declared to be~~ 919
~~approved under that division when the board of county~~ 920
~~commissioners delivered the resolution approving the~~ 921

~~establishment to the board of county commissioners proposing the~~ 922
~~establishment,~~ the board that initiated the proceedings shall 923
declare the establishment to be approved and shall deliver 924
written notice of the approval to the other boards. The board of 925
county commissioners that initiated the proceedings shall 926
determine whether the establishment has been approved or 927
disapproved and deliver the required written notice of the 928
approval or disapproval to the other boards within thirty days 929
after receiving the resolutions of approval or disapproval from 930
the other boards or being otherwise notified by them in 931
accordance with this division. 932

(4) Promptly after the approval of the establishment, the 933
boards shall enter into and ratify an agreement to form the 934
joint district under division (A) of section 343.01 of the 935
Revised Code, and proceedings shall be initiated under section 936
3734.521 of the Revised Code to effect the establishment of the 937
joint district. The establishment of the joint district becomes 938
final when the applicable conditions set forth in division ~~(G)~~ 939
~~(1), (2), (3), or (4)~~ and, if appropriate, division ~~(H)~~ (E) of 940
section 3734.521 of the Revised Code have been met in connection 941
with the change in district composition that involves the 942
establishment. On the date that the establishment becomes final, 943
the boards of county commissioners of the counties establishing 944
the joint district collectively constitute the board of 945
directors of the joint district, except that if a county with a 946
legislative authority other than a board of county commissioners 947
participates in the joint district, it shall be represented on 948
the board of directors by three persons appointed by the 949
legislative authority of the county. 950

~~(D)~~ (C) (1) The board of county commissioners of a county 951
may initiate proceedings to join an existing joint district by 952

adopting a resolution requesting membership in the joint 953
district. Upon adoption of the resolution, the board shall 954
deliver a copy of it to the board of directors of the joint 955
district. 956

(2) If the board of county commissioners proposing the 957
joinder also has initiated proceedings to withdraw from an 958
existing joint district under ~~division (B) of this section~~ 959
3734.522 of the Revised Code, the board shall not adopt a 960
resolution proposing the joinder until after the ~~withdrawal has~~ 961
~~been declared to be approved under that division~~ memorandum of 962
understanding has been executed in accordance with that section 963
and, upon adopting the resolution, such board shall deliver a 964
copy of the ~~written notice declaring the withdrawal to be~~ 965
~~approved under that division~~ memorandum of understanding to the 966
board of directors of the joint district along with the 967
resolution proposing the joinder. Upon receiving the resolution 968
and, if applicable, a copy of the ~~notice of the approval of the~~ 969
~~withdrawal~~ memorandum of understanding, the board of directors 970
shall deliver notice of the proposed joinder to the boards of 971
county commissioners of the counties forming the existing joint 972
district. 973

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

~~commissioners delivered their resolutions approving or~~ 984
~~disapproving the joinder to the board of directors,~~ 985
directors shall declare the proposed joinder to be disapproved 986
and shall deliver written notice of the disapproval to the 987
affected boards of county commissioners. If the board of county 988
commissioners of each county forming the existing joint district 989
adopts a resolution approving the proposed joinder ~~and, if any~~ 990
~~of the counties that are members of the existing joint district~~ 991
~~has initiated a withdrawal from it under division (B) of this~~ 992
~~section, the withdrawal has been declared to be approved or~~ 993
~~disapproved under that division,~~ 994
declare the joinder to be approved and shall deliver written 995
notice of the approval to the affected boards of county 996
commissioners. The board of directors shall determine whether 997
the joinder has been approved or disapproved and deliver the 998
required written notice of the approval or disapproval to the 999
boards of county commissioners of the affected counties within 1000
thirty days after receiving the resolutions of approval or 1001
disapproval from the boards of county commissioners of the 1002
counties forming the existing joint district. 1003

(4) Promptly after the approval of the joinder, the 1004
affected boards shall enter into and ratify an agreement under 1005
division (A) of section 343.01 of the Revised Code to join the 1006
county to the joint district, and proceedings shall be initiated 1007
in accordance with section 3734.521 of the Revised Code to 1008
effect the joinder. The joinder becomes final when the 1009
applicable conditions set forth in division ~~(G) (1), (2), (3), or~~ 1010
~~(4) and, if appropriate, division (H) (E)~~ of section 3734.521 of 1011
the Revised Code have been met in connection with the change in 1012
district composition that involves the joinder. When the joinder 1013
becomes final, the board of county commissioners of the joining 1014

county or three members appointed by its legislative authority, 1015
if other than a board of county commissioners, shall be added to 1016
the board of directors of the joint district. If one or more 1017
counties withdrew from the existing joint district in connection 1018
with the change that involved the joinder, the members of the 1019
board of directors of the existing joint district from the 1020
counties that withdrew shall cease to serve as members of the 1021
board of directors on the date that the change becomes final. 1022

(5) For the purposes of ~~this~~ division (C) of this section, 1023
"counties forming the existing joint district" include only the 1024
following: 1025

~~(1)(a)~~ The counties that are named as members of the joint 1026
district in the solid waste management plan or amended plan of 1027
the district approved or ordered to be implemented under section 1028
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 1029
the joinder proceeding was initiated and that have not initiated 1030
proceedings to withdraw from the joint district under ~~division~~ 1031
~~(B) of this section 3734.522 of the Revised Code;~~ 1032

~~(2) Any counties named as members of the joint district in~~ 1033
~~that plan or amended plan that have initiated a withdrawal under~~ 1034
~~division (B) of this section that has been declared to be~~ 1035
~~disapproved under that division;~~ 1036

~~(3)(b)~~ If joinder proceedings had previously been 1037
concluded under this division since that plan or amended plan 1038
was approved or ordered to be implemented, any county whose 1039
joinder to the district was declared to be approved in those 1040
proceedings. 1041

~~(E)~~ (D) (1) As used in this division: 1042

(a) "Initiating joint district" means the joint district 1043

that initiates proceedings for the union of the district with 1044
another joint district. 1045

(b) "Joining joint district" means the joint district that 1046
is requested by an initiating joint district to become one joint 1047
district in union. 1048

(c) "Counties forming the existing joint districts" 1049
includes only the following: 1050

(i) The counties that are named as members of one of the 1051
joint districts affected by the proposed union in the solid 1052
waste management plan or amended plan of the appropriate 1053
district approved or ordered to be implemented under section 1054
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 1055
the union proceeding was initiated and that have not initiated 1056
proceedings under section 3734.522 of the Revised Code; 1057

(ii) If joinder proceedings previously had been concluded 1058
under this section to join a county to an existing joint 1059
district affected by the proposed union, any county whose 1060
joinder to the existing joint district was declared to be 1061
approved in that proceeding. 1062

(2) The board of directors of a joint district may 1063
initiate proceedings for the union of the district with another 1064
joint district by adopting a resolution requesting the union. 1065

(3) If the initiating joint district ~~whose board of~~ 1066
~~directors is requesting the union~~ is affected by a withdrawal 1067
~~proceeding initiated under division (B) of this section 3734.522~~ 1068
~~of the Revised Code,~~ the board of directors of the initiating 1069
joint district shall not adopt a resolution requesting the union 1070
~~until after it has declared the proposed withdrawal to be~~ 1071
~~approved or disapproved under division (B) of this the~~ 1072

memorandum of understanding has been executed in accordance with 1073
that section. Upon adoption of the resolution, the board shall 1074
deliver a copy of it to the board of directors of the joining 1075
joint district ~~with which the union is proposed~~. Within thirty 1076
days after receiving the resolution, the board of directors of 1077
the ~~other~~ joining joint district shall deliver written notice to 1078
the initiating joint district's board of directors ~~requesting~~ 1079
~~the union as to whether the other joining joint district is~~ 1080
~~affected by a withdrawal proceeding initiated under division (B)~~ 1081
~~of this section 3734.522 of the Revised Code~~. If the ~~other~~ 1082
joining joint district is so affected, its board of directors 1083
shall deliver with the notice a copy of the ~~resolution proposing~~ 1084
~~the withdrawal and a copy of the written notice declaring the~~ 1085
~~withdrawal to be approved or disapproved under division (B) of~~ 1086
~~this section or, if the withdrawal has not yet been declared to~~ 1087
~~be approved or disapproved, written notice of that~~ 1088
~~fact~~ memorandum of understanding executed in accordance with that 1089
section. If the board of directors of the ~~other district~~ 1090
~~declares such a withdrawal to be approved or disapproved within~~ 1091
~~sixty days after the board of directors that requested the union~~ 1092
~~delivered copies of the resolution requesting the union to the~~ 1093
~~boards of county commissioners of the counties forming the~~ 1094
~~existing joint districts, the board of directors of the other~~ 1095
~~district shall deliver written notice of the approval or~~ 1096
~~disapproval of the withdrawal to the board of directors that~~ 1097
~~requested the union.~~ 1098

(4) Within thirty days after receiving from the board of 1099
directors of the ~~other~~ joining joint district the written notice 1100
as to whether that district is affected by a withdrawal 1101
proceeding, the initiating joint district's board of directors 1102
~~requesting the union~~ shall deliver a copy of the resolution 1103

requesting the union to the boards of county commissioners of 1104
the counties forming the existing joint districts. Within sixty 1105
days after receiving the resolution, each such board of county 1106
commissioners shall adopt a resolution approving or disapproving 1107
the union and deliver a copy of it to the initiating joint 1108
district's board of directors ~~that requested the union~~. If the 1109
board of county commissioners of any of the counties forming the 1110
existing joint districts adopts a resolution of disapproval ~~or~~ 1111
~~if any of the joint districts is affected by a withdrawal from~~ 1112
~~it initiated under division (B) of this section that had not yet~~ 1113
~~been declared to be approved or disapproved under that division~~ 1114
~~when the board of county commissioners proposing the withdrawal~~ 1115
~~delivered its resolution approving or disapproving the proposed~~ 1116
~~union to the board of directors~~, the board of directors shall 1117
declare the union to be disapproved and shall deliver written 1118
notice of the disapproval to the board of county commissioners 1119
of each of the affected counties. If the boards of county 1120
commissioners of all of the counties forming the existing joint 1121
districts adopt resolutions approving the proposed union ~~and, if~~ 1122
~~any of the joint districts is affected by a withdrawal~~ 1123
~~proceeding initiated under division (B) of this section, the~~ 1124
~~withdrawal had already been declared to be approved or~~ 1125
~~disapproved under that division when the board of county~~ 1126
~~commissioners of the counties forming the existing joint~~ 1127
~~districts delivered their resolutions approving the proposed~~ 1128
~~union to the board of directors~~, the board of directors shall 1129
declare the union to be approved and shall deliver written 1130
notice of that fact to the affected boards of county 1131
commissioners. The board of directors shall determine whether 1132
the union has been approved or disapproved and deliver the 1133
required written notices of the approval or disapproval to the 1134
boards of county commissioners of the counties forming the 1135

existing joint districts within thirty days after receiving the 1136
resolutions of approval or disapproval from those boards of 1137
county commissioners. 1138

(5) Promptly after the approval of the union, the boards 1139
of county commissioners of the affected counties shall enter 1140
into and ratify an agreement under division (A) of section 1141
343.01 of the Revised Code to unite the districts, and 1142
proceedings shall be initiated in accordance with section 1143
3734.521 of the Revised Code to effect the union. The union 1144
becomes final when the applicable conditions set forth in 1145
division ~~(C) (1), (2), (3), or (4)~~ and, if appropriate, division 1146
~~(H) (E)~~ of section 3734.521 of the Revised Code have been met in 1147
connection with the change in district composition that involves 1148
the union. On the date that the union becomes final, the boards 1149
of directors of the former joint districts collectively 1150
constitute the board of directors of the united district, except 1151
that if one or more counties were joined to any of the existing 1152
joint districts in connection with the change in district 1153
composition that involved the union, the board of county 1154
commissioners or three members appointed by its legislative 1155
authority, if other than a board of county commissioners, shall 1156
be added to the board of directors of the united district, and 1157
except that if one or more counties withdrew from any of the 1158
existing joint districts in connection with the change in 1159
district composition that involved the union, the board of 1160
directors shall not include members from the counties that 1161
withdrew from the former joint districts. 1162

~~For the purposes of this division, "counties forming the~~ 1163
~~existing joint districts" includes only the following:~~ 1164

~~(1) The counties that are named as members of one of the~~ 1165

~~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 division (B) of this section to withdraw from the joint districts of which they were members on that date;~~

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

~~(3) If joinder proceedings previously had been concluded under division (D) of 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.~~

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

(B) The authority provided by division (A) of this section is cumulative and concurrent with the authority of the board of

county commissioners or directors to enter into contracts or 1196
agreements under other sections of this chapter. The existence 1197
or exercise of one such authority does not prevent the exercise 1198
of the other. 1199

(C) The authority provided by division (A) of this section 1200
pertaining to disposal or generation fees is cumulative and 1201
concurrent with the authority of the board of county 1202
commissioners or directors to levy disposal or generation fees 1203
under section 3734.57, 3734.571, 3734.572, 3734.573, or 3734.574 1204
of the Revised Code. The exercise of the authority provided in 1205
any of those sections does not prevent the exercise of the 1206
authority provided by division (A) of this section, and the 1207
authority provided by division (A) of this section does not 1208
prevent the exercise of the authority provided in any of those 1209
sections. 1210

Sec. 343.08. (A) The board of county commissioners of a 1211
county solid waste management district and the board of 1212
directors of a joint solid waste management district may fix 1213
reasonable rates or charges to be paid by every person, 1214
municipal corporation, township, or other political subdivision 1215
that owns premises to which solid waste collection, storage, 1216
transfer, disposal, recycling, processing, or resource recovery 1217
service is provided by the district and may change the rates or 1218
charges whenever it considers it advisable. Charges for 1219
collection, storage, transfer, disposal, recycling, processing, 1220
or resource recovery service shall be made only against lots or 1221
parcels that are improved, or in the process of being improved, 1222
with at least one permanent, portable, or temporary building. 1223
The rates or charges may be collected by either of the following 1224
means: 1225

(1) Periodic billings made by the district directly or in 1226
conjunction with billings for public utility rates or charges by 1227
a county water district established under section 6103.02 of the 1228
Revised Code, a county sewer district established under section 1229
6117.02 of the Revised Code, or a municipal corporation or other 1230
political subdivision authorized by law to provide public 1231
utility service. When any such charges that are so billed are 1232
not paid, the board shall certify them to the county auditor of 1233
the county where the lots or parcels are located, who shall 1234
place them upon the real property duplicate against the property 1235
served by the collection, storage, transfer, disposal, 1236
recycling, processing, or resource recovery service. The charges 1237
shall be a lien on the property from the date they are placed 1238
upon the real property duplicate by the auditor and shall be 1239
collected in the same manner as other taxes. 1240

(2) Certifying the rates or charges to the county auditor 1241
of the county where the lots or parcels are located, who shall 1242
place them on the real property duplicate against the lots or 1243
parcels. The rates or charges are a lien on the property from 1244
the date they are placed upon the real property duplicate by the 1245
auditor and shall be collected in the same manner as other 1246
taxes. 1247

The county or joint district need not fix a rate or charge 1248
against property if the district does not operate a collection 1249
system. 1250

Where a county or joint district owns or operates a solid 1251
waste facility, either without a collection system or in 1252
conjunction therewith, the board of county commissioners or 1253
board of directors may fix reasonable rates or charges for the 1254
use of the facility by persons, municipal corporations, 1255

townships, and other political subdivisions, may contract with 1256
any public authority or person for the collection of solid 1257
wastes in any part of any district for collection, storage, 1258
disposal, transfer, recycling, processing, or resource recovery 1259
in any solid waste facility, or may lease the facility to any 1260
public authority or person. The cost of collection, storage, 1261
transfer, disposal, recycling, processing, or resource recovery 1262
under such contracts may be paid by rates or charges fixed and 1263
collected under this section or by rates and charges fixed under 1264
those contracts and collected by the contractors. 1265

All moneys collected by or on behalf of a county or joint 1266
district as rates or charges for solid waste collection, 1267
storage, transfer, disposal, recycling, processing, or resource 1268
recovery service in any district shall be paid to the county 1269
treasurer in a county district or to the county treasurer or 1270
other official designated by the board of directors in a joint 1271
district and kept in a separate and distinct fund to the credit 1272
of the district. The fund shall be used for the payment of the 1273
cost of the management, maintenance, and operation of the solid 1274
waste collection or other solid waste facilities of the district 1275
and, if applicable, the payment of the cost of collecting the 1276
rates or charges of the district pursuant to division (A) (1) or 1277
(2) of this section. Prior to the approval of the district's 1278
initial solid waste management plan under section 3734.55 of the 1279
Revised Code or the issuance of an order under that section 1280
requiring the district to implement an initial plan prepared by 1281
the director, as appropriate, the fund also may be used for the 1282
purposes of division (G) (1) or (3) of section 3734.57 of the 1283
Revised Code. On and after the approval of the district's 1284
initial plan under section 3734.521 or 3734.55 of the Revised 1285
Code or the issuance of an order under either of those sections, 1286

as appropriate, requiring the district to implement an initial 1287
plan prepared by the director, the fund also may be used for all 1288
of the purposes of divisions (C) (1) to (10) specified in division 1289
(G) of section 3734.57 of the Revised Code. Those uses may 1290
include, in accordance with a cost allocation plan adopted under 1291
division (B) of this section, the payment of all allowable 1292
direct and indirect costs of the district, the sanitary engineer 1293
or sanitary engineering department, or a federal or state grant 1294
program, incurred for the purposes of this chapter and sections 1295
3734.52 to 3734.572 of the Revised Code. Any surplus remaining 1296
after those uses of the fund may be used for the enlargement, 1297
modification, or replacement of such facilities and for the 1298
payment of the interest and principal on bonds and bond 1299
anticipation notes issued pursuant to section 343.07 of the 1300
Revised Code. In no case shall money so collected be expended 1301
otherwise than for the use and benefit of the district. 1302

A board of county commissioners or directors, instead of 1303
operating and maintaining solid waste collection or other solid 1304
waste facilities of the district with county or joint district 1305
personnel, may enter into a contract with a municipal 1306
corporation having territory within the district pursuant to 1307
which the operation and maintenance of the facilities will be 1308
performed by the municipal corporation. 1309

The products of any solid waste collection or other solid 1310
waste facility owned under this chapter shall be sold through 1311
competitive bidding in accordance with section 307.12 of the 1312
Revised Code, except when a board of county commissioners or 1313
directors determines by resolution that it is in the public 1314
interest to sell those products in a commercially reasonable 1315
manner without competitive bidding. 1316

(B) A board of county commissioners or directors may adopt 1317
a cost allocation plan that identifies, accumulates, and 1318
distributes allowable direct and indirect costs that may be paid 1319
from the fund of the district created in division (A) of this 1320
section and prescribes methods for allocating those costs. The 1321
plan shall authorize payment from the fund for only those costs 1322
incurred by the district, the sanitary engineer or sanitary 1323
engineering department, or a federal or state grant program, and 1324
those costs incurred by the general and other funds of the 1325
county for a common or joint purpose, that are necessary and 1326
reasonable for the proper and efficient administration of the 1327
district under this chapter and sections 3734.52 to 3734.572 of 1328
the Revised Code. The plan shall not authorize payment from the 1329
fund of any general government expense required to carry out the 1330
overall governmental responsibilities of a county. The plan 1331
shall conform to United States office of management and budget 1332
Circular A-87 "Cost Principles for State and Local Governments," 1333
published January 15, 1983. 1334

(C) A board of county commissioners or directors shall fix 1335
rates or charges, or enter into contracts fixing the rates or 1336
charges to be collected by the contractor, for solid waste 1337
collection, storage, transfer, disposal, recycling, processing, 1338
or resource recovery services at a public meeting held in 1339
accordance with section 121.22 of the Revised Code. In addition 1340
to fulfilling the requirements of section 121.22 of the Revised 1341
Code, the board, before fixing or changing rates or charges for 1342
solid waste collection, storage, transfer, disposal, recycling, 1343
processing, or resource recovery services, or before entering 1344
into a contract that fixes rates or charges to be collected by 1345
the contractor providing the services, shall hold at least three 1346
public hearings on the proposed rates, charges, or contract. 1347

Prior to the first public hearing, the board shall publish 1348
notice of the public hearings as provided in section 7.16 of the 1349
Revised Code or once a week for three consecutive weeks in a 1350
newspaper of general circulation in the county or counties that 1351
would be affected by the proposed rates, charges, or contract. 1352
The notice shall include a listing of the proposed rates or 1353
charges to be fixed and collected by the board or fixed pursuant 1354
to the contract and collected by the contractor, and the dates, 1355
time, and place of each of the three hearings thereon. The board 1356
shall hear any person who wishes to testify on the proposed 1357
rates, charges, or contract. 1358

Sec. 3714.07. (A) (1) For the purpose of assisting boards 1359
of health and the environmental protection agency in 1360
administering and enforcing this chapter and rules adopted under 1361
it, there is hereby levied a fee of thirty cents per cubic yard 1362
or sixty cents per ton, as applicable, on both of the following: 1363

(a) The disposal of construction and demolition debris at 1364
a construction and demolition debris facility that is licensed 1365
under this chapter or at a solid waste facility that is licensed 1366
under Chapter 3734. of the Revised Code; 1367

(b) The disposal of asbestos or asbestos-containing 1368
materials or products at a construction and demolition debris 1369
facility that is licensed under this chapter or at a solid waste 1370
facility that is licensed under Chapter 3734. of the Revised 1371
Code. 1372

(2) The owner or operator of a construction and demolition 1373
debris facility or a solid waste facility shall determine if 1374
cubic yards or tons will be used as the unit of measurement. If 1375
basing the fee on cubic yards, the owner or operator shall 1376
utilize either the maximum cubic yard capacity of the container, 1377

or the hauling volume of the vehicle, that transports the 1378
construction and demolition debris to the facility or the cubic 1379
yards actually logged for disposal by the owner or operator in 1380
accordance with rules adopted under section 3714.02 of the 1381
Revised Code. If basing the fee on tonnage, the owner or 1382
operator shall use certified scales to determine the tonnage of 1383
construction and demolition debris that is disposed of. 1384

(3) The owner or operator of a construction and demolition 1385
debris facility or a solid waste facility shall calculate the 1386
amount of money generated from the fee levied under division (A) 1387
(1) of this section and shall hold that amount as a trustee for 1388
the health district having jurisdiction over the facility, if 1389
that district is on the approved list under section 3714.09 of 1390
the Revised Code, or for the state. The owner or operator shall 1391
prepare and file with the appropriate board of health or the 1392
director of environmental protection monthly returns indicating 1393
the total volume or weight, as applicable, of construction and 1394
demolition debris and asbestos or asbestos-containing materials 1395
or products disposed of at the facility and the total amount of 1396
money generated during that month from the fee levied under 1397
division (A)(1) of this section on the disposal of construction 1398
and demolition debris and asbestos or asbestos-containing 1399
materials or products. Not later than thirty days after the last 1400
day of the month to which the return applies, the owner or 1401
operator shall mail to the board of health or the director the 1402
return for that month together with the amount of money 1403
calculated under division (A)(3) of this section on the disposal 1404
of construction and demolition debris and asbestos or asbestos- 1405
containing materials or products during that month or may submit 1406
the return and money electronically in a manner approved by the 1407
director. The owner or operator may request, in writing, an 1408

extension of not more than thirty days after the last day of the 1409
month to which the return applies. A request for extension may 1410
be denied. If the owner or operator submits the money late, the 1411
owner or operator shall pay a penalty of ten per cent of the 1412
amount of the money due for each month that it is late. 1413

(4) Of the money that is submitted by a construction and 1414
demolition debris facility or a solid waste facility on a per 1415
cubic yard or per ton basis under this section, a board of 1416
health shall transmit three cents per cubic yard or six cents 1417
per ton, as applicable, to the director not later than forty- 1418
five days after the receipt of the money. The money retained by 1419
a board of health under this section shall be paid into a 1420
special fund, which is hereby created in each health district, 1421
and used solely for the following purposes: 1422

(a) To administer and enforce this chapter and Chapter 1423
3734. of the Revised Code and rules adopted under them; 1424

(b) To abate abandoned accumulations of construction and 1425
demolition debris as provided in section 3714.074 of the Revised 1426
Code; 1427

(c) To mitigate any impacts to public health, safety, and 1428
welfare of any construction and demolition debris facility and 1429
solid waste disposal or transfer facility within the health 1430
district, including ensuring appropriate inspection of any such 1431
facility to prevent any negative public health, safety, and 1432
welfare impact. 1433

The director shall transmit all money received under this 1434
section to the treasurer of state to be deposited in the state 1435
treasury to the credit of the waste management fund created in 1436
section 3734.061 of the Revised Code. 1437

(B) The board of health of a health district or the 1438
director may enter into an agreement with the owner or operator 1439
of a construction and demolition debris facility or a solid 1440
waste facility for the quarterly payment of money generated from 1441
the disposal fee as calculated in division (A) (3) of this 1442
section. The board of health shall notify the director of any 1443
such agreement. Not later than forty-five days after receipt of 1444
the quarterly payment, the board of health shall transmit the 1445
amount established in division (A) (4) of this section to the 1446
director. The money retained by the board of health shall be 1447
deposited in the special fund of the district as required under 1448
that division. Upon receipt of the money from a board of health, 1449
the director shall transmit the money to the treasurer of state 1450
to be credited to the waste management fund. 1451

(C) If a construction and demolition debris facility or a 1452
solid waste facility is located within the territorial 1453
boundaries of a municipal corporation or the unincorporated area 1454
of a township, the municipal corporation or township may 1455
appropriate up to four cents per cubic yard or up to eight cents 1456
per ton of the disposal fee required to be paid by the facility 1457
under division (A) (1) of this section for the same purposes that 1458
a municipal corporation or township may levy a fee under 1459
division (C) of section 3734.57 of the Revised Code. 1460

The legislative authority of the municipal corporation or 1461
township may appropriate the money from the fee by enacting an 1462
ordinance or adopting a resolution establishing the amount of 1463
the fee to be appropriated. Upon doing so, the legislative 1464
authority shall mail a certified copy of the ordinance or 1465
resolution to the board of health of the health district in 1466
which the construction and demolition debris facility or the 1467
solid waste facility is located or, if the facility is located 1468

in a health district that is not on the approved list under 1469
section 3714.09 of the Revised Code, to the director. Upon 1470
receipt of the copy of the ordinance or resolution and not later 1471
than forty-five days after receipt of money generated from the 1472
fee, the board or the director, as applicable, shall transmit to 1473
the treasurer or other appropriate officer of the municipal 1474
corporation or clerk of the township that portion of the money 1475
generated from the disposal fee by the owner or operator of the 1476
facility that is required by the ordinance or resolution to be 1477
paid to that municipal corporation or township. 1478

Money received by the treasurer or other appropriate 1479
officer of a municipal corporation under this division shall be 1480
paid into the general fund of the municipal corporation. Money 1481
received by the clerk of a township under this division shall be 1482
paid into the general fund of the township. The treasurer or 1483
other officer of the municipal corporation or the clerk of the 1484
township, as appropriate, shall maintain separate records of the 1485
money received under this division. 1486

The legislative authority of a municipal corporation or 1487
township may cease appropriating money under this division by 1488
repealing the ordinance or resolution that was enacted or 1489
adopted under this division. 1490

The director shall adopt rules in accordance with Chapter 1491
119. of the Revised Code establishing requirements for prorating 1492
the amount of the fee that may be appropriated under this 1493
division by a municipal corporation or township in which only a 1494
portion of a construction and demolition debris facility is 1495
located within the territorial boundaries of the municipal 1496
corporation or township. 1497

(D) The board of county commissioners of a county in which 1498

a construction and demolition debris facility or a solid waste 1499
facility is located may appropriate up to three cents per cubic 1500
yard or up to six cents per ton of the disposal fee required to 1501
be paid by the facility under division (A)(1) of this section 1502
for the same purposes that a solid waste management district may 1503
levy a fee under division (B) of section 3734.57 of the Revised 1504
Code. 1505

The board of county commissioners may appropriate the 1506
money from the fee by adopting a resolution establishing the 1507
amount of the fee to be appropriated. Upon doing so, the board 1508
of county commissioners shall mail a certified copy of the 1509
resolution to the board of health of the health district in 1510
which the construction and demolition debris facility or the 1511
solid waste facility is located or, if the facility is located 1512
in a health district that is not on the approved list under 1513
section 3714.09 of the Revised Code, to the director. Upon 1514
receipt of the copy of the resolution and not later than forty- 1515
five days after receipt of money generated from the fee, the 1516
board of health or the director, as applicable, shall transmit 1517
to the treasurer of the county that portion of the money 1518
generated from the disposal fee by the owner or operator of the 1519
facility that is required by the resolution to be paid to that 1520
county. 1521

Money received by a county treasurer under this division 1522
shall be paid into the general fund of the county. The county 1523
treasurer shall maintain separate records of the money received 1524
under this division. 1525

A board of county commissioners may cease appropriating 1526
money under this division by repealing the resolution that was 1527
adopted under this division. 1528

~~(E) (1) 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 there is no construction and demolition debris facility licensed under this chapter within thirty-five miles of the solid waste facility as determined by a facility's property boundaries.~~

~~(2) 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.~~

(3) (E) (1) Beginning three years after the effective date of this amendment, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(a) The disposal of construction and demolition debris and asbestos or asbestos-containing materials or products generated within the jurisdiction of the district at construction and demolition debris facilities located in an authorized county and within the district's jurisdiction and at solid waste disposal facilities located in an authorized county and within the district's jurisdiction;

(b) The disposal of construction and demolition debris and asbestos or asbestos-containing materials or products generated outside of the jurisdiction of the district, but inside this state, at construction and demolition debris facilities located

in an authorized county and within the district's jurisdiction 1559
and at solid waste disposal facilities located in an authorized 1560
county and within the district's jurisdiction; 1561

(c) The disposal of construction and demolition debris and 1562
asbestos or asbestos-containing materials or products generated 1563
outside the boundaries of this state at construction and 1564
demolition debris facilities located in an authorized county and 1565
within the district's jurisdiction and at solid waste disposal 1566
facilities located in an authorized county and within the 1567
jurisdiction of the district. 1568

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

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

and district composition changes. Any notices required to be 1589
made pursuant to those procedural requirements to the owner or 1590
operator of a solid waste facility also shall be provided to the 1591
owner or operator of a construction and demolition debris 1592
facility for purposes of this division, when applicable. 1593

(3) (a) The solid waste management district may forward 1594
seventy-five per cent of the money received from an owner or 1595
operator of a facility under this division to the health 1596
district in which the facility is located, which shall deposit 1597
it into the special fund established under division (A) (4) of 1598
this section to be used solely for the purposes specified in 1599
that division. If a solid waste management district does not 1600
forward money received under this division to the health 1601
district in which the facility is located, the solid waste 1602
management district shall retain that money and use it for the 1603
purposes specified in division (G) of section 3734.57 of the 1604
Revised Code. 1605

(b) The solid waste management district shall forward 1606
twenty-five per cent of the money received from an owner or 1607
operator of a facility under this division to the environmental 1608
protection agency, which shall deposit half of the money into 1609
the environmental protection fund created in section 3745.015 of 1610
the Revised Code and half of the money into the waste management 1611
fund created in section 3734.061 of the Revised Code. 1612

(c) A solid waste management district shall not levy fees 1613
under this division with respect to a construction and 1614
demolition debris facility or solid waste facility that is 1615
located in a health district that is not on the approved list 1616
under section 3714.09 of the Revised Code. 1617

As used in this division, "authorized county" means a 1618

county with a population between fifty-three thousand and fifty- 1619
eight thousand, according to the most recent decennial census. 1620

(F) This section does not apply to the disposal of source 1621
separated materials that are exclusively composed of reinforced 1622
or nonreinforced concrete, asphalt, clay tile, building or 1623
paving brick, or building or paving stone at a construction and 1624
demolition debris facility that is licensed under this chapter 1625
when either of the following applies: 1626

~~(a)~~(1) The materials are placed within the limits of 1627
construction and demolition debris placement at the facility as 1628
specified in the license issued to the facility under section 1629
3714.06 of the Revised Code, are not placed within the unloading 1630
zone of the facility, and are used as a fire prevention measure 1631
in accordance with rules adopted by the director under section 1632
3714.02 of the Revised Code. 1633

~~(b)~~(2) The materials are not placed within the unloading 1634
zone of the facility or within the limits of construction and 1635
demolition debris placement at the facility as specified in the 1636
license issued to the facility under section 3714.06 of the 1637
Revised Code, but are used as fill material, either alone or in 1638
conjunction with clean soil, sand, gravel, or other clean 1639
aggregates, in legitimate fill operations for construction 1640
purposes at the facility or to bring the facility up to a 1641
consistent grade. 1642

Sec. 3714.073. (A) In addition to the fee levied under 1643
division (A)(1) of section 3714.07 of the Revised Code, 1644
beginning July 1, 2005, there is hereby levied on the disposal 1645
of construction and demolition debris at a construction and 1646
demolition debris facility that is licensed under this chapter 1647
or at a solid waste facility that is licensed under Chapter 1648

3734. of the Revised Code and on the disposal of asbestos or 1649
asbestos-containing materials or products at a construction and 1650
demolition debris facility that is licensed under this chapter 1651
or at a solid waste facility that is licensed under Chapter 1652
3734. of the Revised Code the following fees: 1653

(1) A fee of twelve and one-half cents per cubic yard or 1654
twenty-five cents per ton, as applicable, the proceeds of which 1655
shall be deposited in the state treasury to the credit of the 1656
soil and water conservation district assistance fund created in 1657
section 940.15 of the Revised Code; 1658

(2) A fee of thirty-five cents per cubic yard or seventy 1659
cents per ton, as applicable, the proceeds of which shall be 1660
deposited in the state treasury to the credit of the recycling 1661
and litter prevention fund created in section 3736.03 of the 1662
Revised Code; 1663

(3) A fee of two and one-half cents per cubic yard or five 1664
cents per ton, as applicable, the proceeds of which shall be 1665
deposited in the state treasury to the credit of the waste 1666
management fund created in section 3734.061 of the Revised Code. 1667

(B) The owner or operator of a construction and demolition 1668
debris facility or a solid waste facility, as a trustee of the 1669
state, shall calculate the amount of money generated from the 1670
fees levied under this section and remit the money from the fees 1671
in the manner that is established in divisions (A) (2) and (3) of 1672
section 3714.07 of the Revised Code for the fee that is levied 1673
under division (A) (1) of that section and may enter into an 1674
agreement for the quarterly payment of money generated from the 1675
fees in the manner established in division (B) of that section 1676
for the quarterly payment of money generated from the fee that 1677
is levied under division (A) (1) of that section. 1678

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

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

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

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

3714.02 of the Revised Code. 1709

(2) The materials are not placed within the unloading zone 1710
of the facility or within the limits of construction and 1711
demolition debris placement at the facility as specified in the 1712
license issued to the facility under section 3714.06 of the 1713
Revised Code, but are used as fill material, either alone or in 1714
conjunction with clean soil, sand, gravel, or other clean 1715
aggregates, in legitimate fill operations for construction 1716
purposes at the facility or to bring the facility up to a 1717
consistent grade. 1718

Sec. 3734.521. (A) As used in this section and sections 1719
3734.531 and 3734.57 of the Revised Code, "change in district 1720
composition" or "change" includes the withdrawal of a county 1721
from a joint solid waste management district, the establishment 1722
of a new county or joint district, the joinder of a county to an 1723
existing joint district, the union of two or more joint 1724
districts, or any combination thereof. 1725

(B) In addition to the requirements under Chapter 343. of 1726
the Revised Code, the requirements of this section govern a 1727
change in district composition when any of the districts 1728
involved are operating under a solid waste management plan or 1729
amended plan approved or ordered to be implemented under this 1730
section or section 3734.55 or 3734.56 of the Revised Code. 1731

(C) For purposes of preparing the initial and amended 1732
solid waste management plans for the county and joint districts 1733
resulting from any proposed change in district composition, the 1734
solid waste management policy committee for the proposed 1735
resulting districts shall consist of the members prescribed in 1736
division (B) of section 3734.54 of the Revised Code from each 1737
county within the proposed district and shall include an 1738

additional public member only when one is required to be 1739
appointed under division (C) of section 3734.54 of the Revised 1740
Code. 1741

(D) In the case of a proposed establishment of a new joint 1742
district, joinder of a county to an existing joint district, or 1743
union of existing joint districts that only involves existing 1744
county or joint districts that are operating under solid waste 1745
management plans or amended plans approved under this section or 1746
section 3734.55 or 3734.56 of the Revised Code and that does not 1747
involve the withdrawal of a county from an existing joint 1748
district, the solid waste management policy committee of the 1749
proposed joint district resulting from the change shall do all 1750
of the following: 1751

(1) Prepare a draft initial or amended solid waste 1752
management plan for the proposed joint district that complies 1753
with divisions (A), (B), (D), and (E) (1) of section 3734.53 of 1754
the Revised Code; 1755

(2) Upon completion of the draft initial or amended plan 1756
for the proposed joint district, proceed to adopt and obtain 1757
approval of it in accordance with divisions (A), (B), and (C) (1) 1758
to (3) of section 3734.55 of the Revised Code; 1759

(3) Submit the initial or amended plan for the proposed 1760
joint district to the director of environmental protection for 1761
approval not earlier than one hundred eighty days and not later 1762
than ninety days before the date that one of the existing 1763
districts involved in the proposed change is required to submit 1764
an amended plan under section 3734.56 of the Revised Code. 1765

If any such proposed joint district fails to submit its 1766
plan or amended plan, as appropriate, to the director on or 1767

before the date required under division (D) (3) of this section, 1768
the proposed change shall not occur, and the director shall 1769
proceed in accordance with division (D) of section 3734.55 of 1770
the Revised Code to prepare an amended plan for each of the 1771
existing districts and order the implementation of the amended 1772
plans. If the proposed joint district fails to obtain approval 1773
of its initial or amended plan, as appropriate, within eighteen 1774
months after the date for submission of its initial or amended 1775
plan required under division (D) (3) of this section, the 1776
director shall proceed in accordance with division (D) of 1777
section 3734.55 of the Revised Code to prepare a plan or amended 1778
plan, as appropriate, for the proposed joint district and to 1779
order the implementation of the plan or amended plan. 1780

~~(E) In the case of a proposed change in district 1781
composition that involves an existing district that is operating 1782
under a solid waste management plan or amended plan prepared and 1783
ordered to be implemented by the director under this section or 1784
section 3734.55 or 3734.56 of the Revised Code or that involves 1785
the withdrawal of a county from an existing joint district, the 1786
solid waste management policy committee of each of the districts 1787
resulting from the proposed change, not later than twenty months 1788
before one of the existing districts is required to submit an 1789
amended solid waste management plan under section 3734.56 of the 1790
Revised Code or twenty months before the triennial anniversary 1791
of the issuance of the order under division (D) or (F) (1) or (2) 1792
of this section or division (D) of section 3734.55 of the 1793
Revised Code requiring one of the districts involved to 1794
implement a plan prepared and ordered to be implemented under 1795
any of those divisions, shall submit to the director a 1796
preliminary demonstration of the availability of or access to 1797
solid waste management facility capacity under division (E) (1) 1798~~

~~or (2) of this section, as appropriate. The preliminary~~ 1799
~~demonstrations of each of the proposed districts shall be~~ 1800
~~submitted to the director at the same time.~~ 1801

~~As used in divisions (E) and (F) of this section,~~ 1802
~~"preliminary demonstration of capacity" means the certification~~ 1803
~~and demonstration required to be submitted under division (E) (1)~~ 1804
~~of this section or the statement and financial feasibility study~~ 1805
~~required to be submitted under division (E) (2) of this section,~~ 1806
~~as appropriate.~~ 1807

~~(1) If a proposed district has located within its~~ 1808
~~boundaries one or more solid waste facilities that have~~ 1809
~~sufficient remaining capacity to dispose of all the solid waste~~ 1810
~~generated within its boundaries during the subsequent ten-year~~ 1811
~~period, or if the county or counties proposing to form the~~ 1812
~~district have entered into one or more firm contracts or~~ 1813
~~agreements that in the aggregate provide for the disposal of all~~ 1814
~~the solid wastes generated within the proposed district during~~ 1815
~~the subsequent ten-year period at facilities located outside the~~ 1816
~~district or this state, the solid waste management policy~~ 1817
~~committee of the proposed district shall submit to the director~~ 1818
~~a certification and demonstration by the committee of the~~ 1819
~~availability of or access to sufficient solid waste management~~ 1820
~~facility capacity to provide for the disposal of all the solid~~ 1821
~~wastes generated within the proposed district during that ten-~~ 1822
~~year period.~~ 1823

~~The director shall approve or disapprove a preliminary~~ 1824
~~demonstration of capacity within sixty days after receiving it.~~ 1825
~~If the director finds that the policy committee has made the~~ 1826
~~demonstration required by division (E) (1) of this section, he~~ 1827
~~shall approve the preliminary demonstration. Otherwise, the~~ 1828

~~director shall disapprove the preliminary demonstration.~~ 1829

~~(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.~~ 1830
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~~The director shall approve or disapprove a statement and financial feasibility study within sixty days after receiving~~ 1858
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~~them. The director shall approve a statement and financial-~~ 1860
~~feasibility study only if they demonstrate a technically-~~ 1861
~~feasible and economically reasonable means of providing for the-~~ 1862
~~environmentally sound management of solid wastes generated in-~~ 1863
~~the district during the subsequent ten-year period. Otherwise,~~ 1864
~~the director shall disapprove the statement and financial-~~ 1865
~~feasibility study.~~ 1866

~~(3) Upon approving or disapproving a preliminary-~~ 1867
~~demonstration of capacity under division (E) (1) or (2) of this-~~ 1868
~~section, the director shall provide written notice of his-~~ 1869
~~decision to the solid waste management policy committee that-~~ 1870
~~submitted it. If the director disapproves the preliminary-~~ 1871
~~demonstration of any of the proposed districts, the change in-~~ 1872
~~district composition shall not occur. The solid waste management~~ 1873
~~policy committee of each of the existing districts operating-~~ 1874
~~under a solid waste management plan approved under this section-~~ 1875
~~or section 3734.55 of the Revised Code or an amended plan-~~ 1876
~~approved under this section or section 3734.56 of the Revised-~~ 1877
~~Code then shall proceed to adopt and obtain approval of an-~~ 1878
~~amended plan in accordance with division (A) of section 3734.56-~~ 1879
~~of the Revised Code. If any of the existing districts is-~~ 1880
~~operating under a plan or an amended plan ordered to be-~~ 1881
~~implemented under this section or section 3734.55 or 3734.56 of-~~ 1882
~~the Revised Code, the director then shall proceed in accordance-~~ 1883
~~with division (B) of section 3734.56 of the Revised Code to-~~ 1884
~~prepare an amended plan for each such district and order the-~~ 1885
~~implementation of the amended plan. Division (E) (3) of this-~~ 1886
~~section does not preclude an existing district that is operating~~ 1887
~~under a plan or amended plan prepared and ordered to be-~~ 1888
~~implemented by the director from proceeding under division (C)-~~ 1889
~~of section 3734.56 of the Revised Code to prepare and obtain-~~ 1890

~~approval of a plan to replace the initial or amended plan-~~
~~prepared by the director.~~

~~(4) If the director approves the preliminary demonstration~~
~~of each of the proposed districts resulting from the change in-~~
~~district composition under division (E)(1) or (2) of this-~~
~~section, the solid waste management policy committee of each of-~~
~~the proposed districts shall begin preparing a draft initial-~~
~~solid waste management plan for the district, and the committee-~~
~~of the remaining joint district, if any, shall begin preparing a~~
~~draft amended plan for the joint district. The initial or-~~
~~amended plan and certification of capacity shall comply with-~~
~~divisions (A), (B), (D), and (E)(1) of section 3734.53 of the-~~
~~Revised Code. Upon completion of the draft initial or amended-~~
~~plan for the proposed district, the committee shall proceed to-~~
~~adopt and obtain approval of it in accordance with divisions-~~
~~(A), (B), and (C)(1) to (3) of section 3734.55 of the Revised-~~
~~Code. The initial plans of the proposed districts and the-~~
~~amended plan of the remaining joint district, if any, shall be-~~
~~submitted to the director at the same time and shall be-~~
~~submitted not later than twenty months after the proposed-~~
~~districts submitted their preliminary demonstrations of capacity~~
~~under division (E)(1) or (2) of this section. If any of the-~~
~~proposed districts fails to submit its plan or amended plan to-~~
~~the director on or before the required date, the proposed change~~
~~shall not occur, and the director then shall proceed in-~~
~~accordance with division (D) of section 3734.55 of the Revised-~~
~~Code to prepare an amended plan for each of the existing-~~
~~districts and to order the implementation of the amended plans.~~

~~(F) If any of the proposed districts resulting from a-~~
~~change in district composition, or the remaining joint district,~~
~~if any, that is required to submit a preliminary demonstration-~~

~~of capacity under division (E) (1) or (2) of this section fails-~~ 1922
~~to obtain approval of its plan or amended plan within thirty-~~ 1923
~~eight months after the submission of its preliminary-~~ 1924
~~demonstration of capacity, the director shall determine what-~~ 1925
~~actions are necessary to ensure that each county involved in the~~ 1926
~~proposed change will be included in a district that either will-~~ 1927
~~have within its boundaries sufficient solid waste management-~~ 1928
~~facility capacity to provide for the disposal of all of the-~~ 1929
~~solid wastes generated within its boundaries during the-~~ 1930
~~subsequent ten-year period or will have access to sufficient-~~ 1931
~~capacity at facilities located outside the district or this-~~ 1932
~~state by contract or agreement to dispose of all of the solid-~~ 1933
~~wastes generated within the district during that ten-year-~~ 1934
~~period. Based upon that determination, the director shall do-~~ 1935
~~either of the following, as appropriate:~~ 1936

~~(1) If the director determines that the solid waste-~~ 1937
~~management needs of each of the counties involved can be met if-~~ 1938
~~the proposed change were to occur, he shall prepare an initial-~~ 1939
~~or amended plan that complies with divisions (A) and (D) of-~~ 1940
~~section 3734.53 of the Revised Code for each of the proposed or-~~ 1941
~~existing districts that failed to obtain approval of its plan or~~ 1942
~~amended plan within thirty-eight months after the districts were~~ 1943
~~required to submit their preliminary demonstrations of capacity-~~ 1944
~~under division (E) (1) or (2) of this section. None of the plans-~~ 1945
~~or amended plans prepared by the director shall contain any of-~~ 1946
~~the provisions required or authorized to be included in plans-~~ 1947
~~submitted by districts under division (B), (C), or (E) of-~~ 1948
~~section 3734.53 of the Revised Code. Upon completion of each-~~ 1949
~~such plan or amended plan, the director shall issue an order in-~~ 1950
~~accordance with Chapter 3745. of the Revised Code directing the-~~ 1951
~~board of county commissioners or directors of the district for-~~ 1952

~~which the plan or amended plan was prepared to implement it in~~ 1953
~~compliance with the implementation schedule contained in it.~~ 1954

~~(2) If the director determines that the solid waste~~ 1955
~~management needs of each of the counties involved cannot be met~~ 1956
~~if the proposed change in district composition were to occur, he~~ 1957
~~shall make a determination as to how county or joint districts~~ 1958
~~should be formed from among those counties to ensure that each~~ 1959
~~will be included in a district that either will have within its~~ 1960
~~boundaries sufficient solid waste management facility capacity~~ 1961
~~to provide for the disposal of all the solid wastes generated~~ 1962
~~within the district during the subsequent ten-year period or~~ 1963
~~will have access to sufficient capacity at facilities located~~ 1964
~~outside the district or this state by contract or agreement to~~ 1965
~~dispose of all the solid wastes generated within the district~~ 1966
~~during that ten-year period. After making his determination, the~~ 1967
~~director shall prepare an initial or amended solid waste~~ 1968
~~management plan for each of them. If the director determines~~ 1969
~~that any existing district involved in the proposed change~~ 1970
~~should be retained without a modification in its composition,~~ 1971
~~the director shall prepare an amended plan for the district. The~~ 1972
~~director shall prepare an initial or amended plan for each~~ 1973
~~district whose composition would be changed under his~~ 1974
~~determination. Each such plan or amended plan shall comply with~~ 1975
~~divisions (A) and (D) of section 3734.53 of the Revised Code.~~ 1976
~~None of the plans or amended plans shall contain any of the~~ 1977
~~provisions required or authorized to be included in plans under~~ 1978
~~division (B), (C), or (E) of that section.~~ 1979

~~If a plan prepared under this division provides for the~~ 1980
~~establishment of a joint district by two or more counties that~~ 1981
~~had each previously formed a county district, the director, in~~ 1982
~~accordance with Chapter 3745. of the Revised Code, shall issue~~ 1983

~~an order to the board of county commissioners of each of the~~ 1984
~~counties directing them to enter into an agreement to form a~~ 1985
~~joint district under division (A) of section 343.01 of the~~ 1986
~~Revised Code within thirty days after the issuance of the order.~~ 1987
~~If a plan or amended plan prepared by the director provides for~~ 1988
~~the withdrawal of one or more counties from an existing joint-~~ 1989
~~district, the establishment of a new joint district, the joinder~~ 1990
~~of one or more counties to an existing joint district, or the~~ 1991
~~union of two or more existing joint districts, the director, in~~ 1992
~~accordance with Chapter 3745. of the Revised Code, shall issue~~ 1993
~~appropriate orders to the board of county commissioners of each~~ 1994
~~county or existing county district and to the board of directors~~ 1995
~~of each joint district that will be affected by the plan~~ 1996
~~directing the board of county commissioners or directors, within~~ 1997
~~thirty days after the issuance of the order, to adopt the~~ 1998
~~appropriate resolutions and enter into any necessary agreements~~ 1999
~~under division (B) of section 343.01 of the Revised Code to~~ 2000
~~effect the changes provided for in the plan. The requirements~~ 2001
~~and procedures for approval of the withdrawal from,~~ 2002
~~establishment of, joinder to, or union of districts under~~ 2003
~~section 343.012 of the Revised Code do not apply to changes~~ 2004
~~ordered under division (F) (2) of this section. The other~~ 2005
~~provisions of that section do apply to changes ordered under~~ 2006
~~division (F) (2) of this section.~~ 2007

~~Any order issued by the director under division (F) (2) of~~ 2008
~~this section also shall require the district to be formed~~ 2009
~~pursuant to the order to implement the plan or amended plan~~ 2010
~~prepared by the director in compliance with the implementation~~ 2011
~~schedule contained in the plan.~~ 2012

~~(G)~~ No proposed change in district composition shall 2013
become final until one of the following has occurred: 2014

(1) The director has approved the solid waste management 2015
plan of each newly formed district under section 3734.55 of the 2016
Revised Code and the amended plan of the remaining joint 2017
district, if any, under section 3734.56 of the Revised Code; 2018

(2) In the case of a joint district subject to division 2019
(D) of this section that failed to obtain approval of its plan 2020
or amended plan on or before the date required under that 2021
division, the director has prepared a plan or amended plan for 2022
the district and has issued an order to the district directing 2023
it to implement the plan or amended plan prepared by the 2024
director; 2025

~~(3) If the circumstances described in division (F) (1) of~~ 2026
~~this section apply, the director has prepared a plan or amended~~ 2027
~~plan for each of the districts involved that failed to obtain~~ 2028
~~approval of its plan or amended plan on or before the date~~ 2029
~~required under that division and has issued an order to each of~~ 2030
~~them under that division directing the district to implement the~~ 2031
~~plan prepared by the director, and the director has approved the~~ 2032
~~plan or amended plan of each of the other proposed districts;~~ 2033

~~(4) If the circumstances described in division (F) (2) of~~ 2034
~~this section apply, the director has prepared a plan or amended~~ 2035
~~plan for each of the districts set forth in the determination~~ 2036
~~made under that division and has issued an order under that~~ 2037
~~division directing each of the districts to implement the~~ 2038
~~initial or amended plan prepared for it by the director~~ 2039
In the 2039
case of a proposed change in district composition that involves 2040
the withdrawal of a county from an existing joint district, the 2041
director of environmental protection has effectuated the change 2042
in district composition in accordance with section 3734.522 of 2043
the Revised Code, including providing for the preparation and 2044

adoption of plans in accordance with applicable provisions of 2045
this chapter. 2046

~~(H) In addition to the requirements of division (G) of~~ 2047
~~this section, if a change in district composition involves the~~ 2048
~~withdrawal of a county from a joint district, it shall not~~ 2049
~~become final until the county ceases to be a part of the joint~~ 2050
~~district from which it is withdrawing pursuant to division (B)~~ 2051
~~of section 343.012 of the Revised Code.~~ 2052

Sec. 3734.522. (A) As used in this section, "deliver" has 2053
the same meaning as in division (G) (2) of section 3734.55 of the 2054
Revised Code. 2055

(B) Subject to division (H) of this section, a board of 2056
county commissioners of a county that is a member of a joint 2057
solid waste management district may withdraw from the district 2058
by doing all of the following: 2059

(1) Adopting a resolution declaring that the county will 2060
unilaterally withdraw from the district; 2061

(2) Providing the notice required under division (C) of 2062
this section; 2063

(3) Complying with the requirements under division (D) of 2064
this section governing the memorandum of understanding. 2065

(C) Upon adopting the resolution under division (B) of 2066
this section, the board shall deliver a copy of it to the board 2067
of directors of the district. Upon receiving the resolution, the 2068
board of directors shall deliver written notice of the proposed 2069
withdrawal to the boards of county commissioners of the other 2070
counties forming the joint district and to the director of 2071
environmental protection. 2072

(D) If a board of county commissioners adopts a resolution 2073
under division (B) of this section, the boards of county 2074
commissioners of all the counties that are members of the joint 2075
district shall enter into a memorandum of understanding within 2076
forty-five days after notice of the withdrawal is received in 2077
accordance with division (C) of this section. The memorandum of 2078
understanding shall describe the terms of how the counties that 2079
comprise the joint district will operate as a joint district 2080
during a two-year period beginning on the date that the 2081
memorandum of understanding is agreed upon by all counties that 2082
comprise the joint district. The counties that are members of 2083
the joint district may include in the memorandum of 2084
understanding a reasonable allocation of funds for each newly 2085
formed district that will result from the withdrawal to conduct 2086
the solid waste management planning process. 2087

In the event that those counties do not agree upon the 2088
terms of the memorandum of understanding, the county that is 2089
withdrawing shall, within ten days after it is determined that 2090
an agreement cannot be reached by the counties, request a court 2091
of common pleas located in a county adjacent to the withdrawing 2092
county to hear the parties and decide the terms of the 2093
memorandum of understanding on behalf of the counties. Not later 2094
than ninety days after the request is made, the court of common 2095
pleas shall hear the parties and issue an order that details the 2096
terms of the memorandum of understanding. The court may include 2097
in the memorandum of understanding a reasonable allocation of 2098
funds for each newly formed district that will result from the 2099
withdrawal to conduct the solid waste management planning 2100
process. 2101

The memorandum of understanding expires two years after 2102
the date that memorandum of understanding is entered into by the 2103

counties or the court issues the order determining the details 2104
of the memorandum of understanding, as applicable, unless all 2105
parties agree in writing to an earlier date. 2106

If a board of county commissioners wishes to extend the 2107
term of the memorandum of understanding, the board, prior to 2108
sixty days before the memorandum is scheduled to expire, shall 2109
request the boards of county commissioners of all other counties 2110
that form the joint district to agree to the extension and shall 2111
include in the request the period of time proposed for the 2112
extension, which shall not exceed forty-five days. If all such 2113
boards agree to the extension, the memorandum of understanding 2114
is extended for such time period as agreed to. If a court of 2115
common pleas issued an order establishing the terms of the 2116
memorandum of understanding, the board of county commissioners 2117
seeking the extension, prior to sixty days before the memorandum 2118
is scheduled to expire, may request the court to extend the 2119
memorandum. If so requested, the court shall issue an order 2120
either denying an extension or extending the term of the 2121
memorandum by a period of not to exceed forty-five days. 2122

(E) The director of environmental protection shall take 2123
all actions necessary under this chapter to effectuate the 2124
withdrawal of a county from a joint solid waste management 2125
district pursuant to a memorandum of understanding executed 2126
under this section so that the withdrawal is effective upon the 2127
expiration date of the memorandum of understanding. The director 2128
shall begin taking all such necessary actions on the date that 2129
such memorandum is executed. 2130

(F) The board of directors of the joint district shall 2131
take all actions necessary to ascertain, apportion, and order a 2132
division of the funds on hand, credits, and real and personal 2133

property of the district, either in money or in kind, on an 2134
equitable basis between the district and the withdrawing county, 2135
effective upon the expiration date of the memorandum of 2136
understanding. 2137

(G) Notwithstanding any provision of law to the contrary, 2138
on the date that the memorandum of understanding expires, all of 2139
the following apply: 2140

(1) The withdrawing county is severed from the joint 2141
district, becomes a county solid waste management district, and 2142
shall comply with all necessary provisions of Chapter 343. of 2143
the Revised Code and this chapter that apply to county solid 2144
waste management districts. The severed county's members on the 2145
board of directors of the joint district cease to be members of 2146
that board. That board's power to levy a tax upon taxable 2147
property in the severed county to support the former joint 2148
district terminates, except that each county of the former 2149
district shall continue to levy and collect any taxes levied for 2150
the payment of indebtedness of the district that was incurred 2151
prior to the severed county's withdrawal from the district. 2152

(2) The county or counties remaining in the former joint 2153
district become a county or joint solid waste management 2154
district, as applicable, and shall comply with all necessary 2155
provisions of Chapter 343. of the Revised Code and this chapter 2156
that apply to county or joint solid waste management districts. 2157

(3) The solid waste management policy committee of the 2158
severed county and such committee of the county or counties of 2159
the remaining district may form or join a joint solid waste 2160
management district or a regional solid waste management 2161
authority as provided in this chapter and Chapter 343. of the 2162
Revised Code. However, in no circumstance shall the director 2163

require the county or counties to form or join a joint district 2164
or regional solid waste management authority. 2165

(H) In the case of a joint solid waste management district 2166
that is managed by a board of trustees of a regional solid waste 2167
management authority and that is operating under an agreement 2168
entered into pursuant to section 343.011 of the Revised Code, 2169
any withdrawal of a county from the district is subject to the 2170
following: 2171

(1) If the agreement governs the withdrawal of a county 2172
from the joint district, the board of county commissioners of a 2173
county that is a member of the joint district may withdraw from 2174
the district only pursuant to that agreement. 2175

(2) If the agreement does not govern the withdrawal of a 2176
county from the joint district, the board of county 2177
commissioners of a county that is a member of the joint district 2178
may withdraw from the district in accordance with divisions (B) 2179
to (G) of this section, provided the board first does all of the 2180
following: 2181

(a) Adopts a resolution proposing to withdraw from the 2182
district; 2183

(b) Delivers written notice of the proposed withdrawal to 2184
the legislative authority of each municipal corporation and 2185
township under the jurisdiction of the regional solid waste 2186
management authority. Not later than ninety days after the 2187
receipt of the written notice under this division, each such 2188
legislative authority shall either approve or disapprove of the 2189
proposed withdrawal by ordinance or resolution and deliver a 2190
copy of the ordinance or resolution to the board of county 2191
commissioners. 2192

(c) Obtains the approval of the withdrawal from a 2193
combination of municipal corporations and townships with a 2194
combined population comprising at least sixty per cent of the 2195
total population of the solid waste management district, 2196
provided that that combination shall include the municipal 2197
corporation having the largest population in each county within 2198
the boundaries of the district. 2199

Upon satisfaction of the requirements of divisions (H) (2) 2200
(a) to (c) of this section, the board of county commissioners 2201
may proceed to withdraw from the joint solid waste management 2202
district in the manner specified in divisions (B) to (G) of this 2203
section. 2204

Sec. 3734.53. (A) The solid waste management plan of any 2205
county or joint solid waste management district shall be 2206
prepared in a format prescribed by the director of environmental 2207
protection and shall provide for compliance with the objectives 2208
of the state solid waste management plan and rules adopted under 2209
section 3734.50 of the Revised Code. The plan shall provide for, 2210
demonstrate, and certify the availability of and access to 2211
sufficient solid waste management facility capacity to meet the 2212
solid waste management needs of the district for the ten-year 2213
period covered by the plan. The solid waste management policy 2214
committee of a county or joint district created in section 2215
3734.54 of the Revised Code may prepare and submit a solid waste 2216
management plan that covers and makes the required demonstration 2217
for a longer period of time. 2218

The solid waste management plan shall contain all of the 2219
following: 2220

(1) An inventory of the sources, composition, and 2221
quantities of solid wastes generated in the district during the 2222

current year; 2223

(2) An inventory of all existing facilities where solid 2224
wastes are being disposed of, all resource recovery facilities, 2225
and all recycling activities within the district. The inventory 2226
shall identify each such facility or activity and, for each 2227
disposal facility, shall estimate the remaining disposal 2228
capacity available at the facility. The inventory shall be 2229
accompanied by a map that shows the location of each such 2230
existing facility or activity. 2231

(3) An inventory of existing solid waste collection 2232
systems and routes, transportation systems and routes, and 2233
transfer facilities within the district. The inventory shall 2234
identify the entities engaging in solid waste collection within 2235
the district. 2236

(4) An inventory of open dumping sites for solid wastes, 2237
including solid wastes consisting of scrap tires, and facilities 2238
for the disposal of fly ash and bottom ash, foundry sand, and 2239
slag within the district. The inventory shall identify each such 2240
site or facility and shall be accompanied by a map that shows 2241
the location of each of them. 2242

(5) A projection of population changes within the district 2243
during the next ten years; 2244

(6) For each year of the forecast period, projections of 2245
the amounts and composition of solid wastes that will be 2246
generated within the district, the amounts of solid wastes 2247
originating outside the district that will be brought into the 2248
district for disposal or resource recovery, the nature of 2249
industrial activities within the district, and the effect of 2250
newly regulated waste streams, solid waste minimization 2251

activities, and solid waste recycling and reuse activities on 2252
solid waste generation rates. For each year of the forecast 2253
period, projections of waste quantities shall be compiled as an 2254
aggregate quantity of wastes. 2255

(7) An identification of the additional solid waste 2256
management facilities and the amount of additional capacity 2257
needed to dispose of the quantities of wastes projected in 2258
division (A) (6) of this section; 2259

(8) A strategy for identification of sites for the 2260
additional solid waste management facilities and capacity 2261
identified under division (A) (7) of this section; 2262

(9) An analysis and comparison of the capital and 2263
operating costs of the solid waste disposal facilities, solid 2264
waste resource recovery facilities, and solid waste recycling 2265
and reuse activities necessary to meet the solid waste 2266
management needs of the district, projected in five- and ten- 2267
year increments; 2268

(10) An analysis of expenses for which the district is 2269
liable under section 3734.35 of the Revised Code; 2270

(11) A projection of solid waste transfer facilities that 2271
will be needed in conjunction with existing solid waste 2272
facilities and those projected under division (A) (7) of this 2273
section; 2274

(12) Such other projections as the district considers 2275
necessary or appropriate to ascertain and meet the solid waste 2276
management needs of the district during the period covered by 2277
the plan; 2278

(13) A schedule for implementation of the plan that, when 2279
applicable, contains all of the following: 2280

(a) An identification of the solid waste disposal, 2281
transfer, and resource recovery facilities and recycling 2282
activities contained in the plan where solid wastes generated 2283
within or transported into the district will be taken for 2284
disposal, transfer, resource recovery, or recycling. An initial 2285
or amended plan prepared and ordered to be implemented by the 2286
director under section 3734.521, 3734.55, or 3734.56 of the 2287
Revised Code may designate solid waste disposal, transfer, or 2288
resource recovery facilities or recycling activities that are 2289
owned by a municipal corporation, county, county or joint solid 2290
waste management district, township, or township waste disposal 2291
district created under section 505.28 of the Revised Code for 2292
which debt issued under Chapter 133., 343., or 6123. of the 2293
Revised Code is outstanding where solid wastes generated within 2294
or transported into the district shall be taken for disposal, 2295
transfer, resource recovery, or recycling. 2296

(b) A schedule for closure of existing solid waste 2297
facilities, expansion of existing facilities, and establishment 2298
of new facilities. The schedule for expansion of existing 2299
facilities or establishment of new facilities shall include, 2300
without limitation, the approximate dates for filing 2301
applications for appropriate permits to install or modify those 2302
facilities under section 3734.05 of the Revised Code. 2303

(c) A schedule for implementation of solid waste 2304
recycling, reuse, and reduction programs needed to meet the 2305
waste reduction, recycling, reuse, and minimization objectives 2306
of the state solid waste management plan and rules adopted by 2307
the director under section 3734.50 of the Revised Code; 2308

(d) The methods of financing implementation of the plan 2309
and a demonstration of the availability of financial resources 2310

for that purpose. 2311

(14) A program for providing informational or technical 2312
assistance regarding source reduction to solid waste generators, 2313
or particular categories of solid waste generators, within the 2314
district. The plan shall set forth the types of assistance to be 2315
provided by the district and the specific categories of 2316
generators that are to be served. The district has the sole 2317
discretion to determine the types of assistance that are to be 2318
provided under the program and the categories of generators to 2319
be served by it. 2320

(B) In addition to the information, projections, 2321
demonstrations, and certification required by division (A) of 2322
this section, a plan shall do all of the following: 2323

(1) Establish the schedule of fees, if any, to be levied 2324
under divisions (B)(1) to (3) of section 3734.57 of the Revised 2325
Code; 2326

(2) Establish the fee, if any, to be levied under division 2327
(A) of section 3734.573 of the Revised Code; 2328

(3) Contain provisions governing the allocation among the 2329
purposes enumerated in ~~divisions (C)(1) to (10)~~ division (G) of 2330
section 3734.57 of the Revised Code of the moneys credited to 2331
the special fund of the district under that ~~division (C) of that~~ 2332
~~section~~ that are available for expenditure by the district ~~under~~ 2333
~~that division~~. The plan shall do all of the following: 2334

(a) Ensure that sufficient of the moneys so credited to 2335
and available from the special fund are available for use by the 2336
solid waste management policy committee of the district at the 2337
time the moneys are needed to monitor implementation of the plan 2338
and conduct its periodic review and amendment as required under 2339

section 3734.56 of the Revised Code; 2340

(b) Contain provisions governing the allocation and 2341
distribution of moneys credited to and available from the 2342
special fund of the district to health districts within the 2343
county or joint district that have approved programs under 2344
section 3734.08 of the Revised Code for the purposes of division 2345
(G) (3) of section 3734.57 of the Revised Code; 2346

(c) Contain provisions governing the allocation and 2347
distribution of moneys credited to and available from the 2348
special fund of the district to the county in which solid waste 2349
facilities are or are to be located and operated under the plan 2350
for the purposes of division (G) (4) of section 3734.57 of the 2351
Revised Code; 2352

(d) Contain provisions governing the allocation and 2353
distribution, pursuant to contracts entered into for that 2354
purpose, of moneys credited to and available from the special 2355
fund of the district to boards of health within the district in 2356
which solid waste facilities contained in the district's plan 2357
are located for the purposes of division (G) (5) of section 2358
3734.57 of the Revised Code. 2359

(4) Incorporate all solid waste recycling activities that 2360
were in operation within the district on the effective date of 2361
the plan. 2362

(C) The solid waste management plan of a county or joint 2363
district may provide for the adoption of rules under division 2364
(G) of section 343.01 of the Revised Code after approval of the 2365
plan under section 3734.521 or 3734.55 of the Revised Code doing 2366
any or all of the following: 2367

(1) Prohibiting or limiting the receipt at facilities 2368

located within the solid waste management district of solid 2369
wastes generated outside the district or outside a prescribed 2370
service area consistent with the projections under divisions (A) 2371
(6) and (7) of this section. However, rules adopted by a board 2372
under division (C) (1) of this section may be adopted and 2373
enforced with respect to solid waste disposal facilities in the 2374
solid waste management district that are not owned by a county 2375
or the solid waste management district only if the board submits 2376
an application to the director of environmental protection that 2377
demonstrates that there is insufficient capacity to dispose of 2378
all solid wastes that are generated within the district at the 2379
solid waste disposal facilities located within the district and 2380
the director approves the application. The demonstration in the 2381
application shall be based on projections contained in the plan 2382
or amended plan of the district. The director shall establish 2383
the form of the application. The approval or disapproval of such 2384
an application by the director is an action that is appealable 2385
under section 3745.04 of the Revised Code. 2386

In addition, the director of environmental protection may 2387
issue an order modifying a rule authorized to be adopted under 2388
division (C) (1) of this section to allow the disposal in the 2389
district of wastes from another county or joint solid waste 2390
management district if all of the following apply: 2391

(a) The district in which the wastes were generated does 2392
not have sufficient capacity to dispose of solid wastes 2393
generated within it for six months following the date of the 2394
director's order; 2395

(b) No new solid waste facilities will begin operation 2396
during those six months in the district in which the wastes were 2397
generated and, despite good faith efforts to do so, it is 2398

impossible to site new solid waste facilities within the 2399
district because of its high population density; 2400

(c) The district in which the wastes were generated has 2401
made good faith efforts to negotiate with other districts to 2402
incorporate its disposal needs within those districts' solid 2403
waste management plans, including efforts to develop joint 2404
facilities authorized under section 343.02 of the Revised Code, 2405
and the efforts have been unsuccessful; 2406

(d) The district in which the wastes were generated has 2407
located a facility willing to accept the district's solid wastes 2408
for disposal within the receiving district; 2409

(e) The district in which the wastes were generated has 2410
demonstrated to the director that the conditions specified in 2411
divisions (C) (1) (a) to (d) of this section have been met; 2412

(f) The director finds that the issuance of the order will 2413
be consistent with the state solid waste management plan and 2414
that receipt of the out-of-district wastes will not limit the 2415
capacity of the receiving district to dispose of its in-district 2416
wastes to less than eight years. Any order issued under division 2417
(C) (1) of this section shall not become final until thirty days 2418
after it has been served by certified mail upon the county or 2419
joint solid waste management district that will receive the out- 2420
of-district wastes. 2421

(2) Governing the maintenance, protection, and use of 2422
solid waste collection, storage, disposal, transfer, recycling, 2423
processing, and resource recovery facilities within the district 2424
and requiring the submission of general plans and specifications 2425
for the construction, enlargement, or modification of any such 2426
facility to the board of county commissioners or board of 2427

directors of the district for review and approval as complying 2428
with the plan or amended plan of the district; 2429

(3) Governing development and implementation of a program 2430
for the inspection of solid wastes generated outside the 2431
boundaries of the state that are being disposed of at solid 2432
waste facilities included in the district's plan; 2433

(4) Exempting the owner or operator of any existing or 2434
proposed solid waste facility provided for in the plan from 2435
compliance with any amendment to a township zoning resolution 2436
adopted under section 519.12 of the Revised Code or to a county 2437
rural zoning resolution adopted under section 303.12 of the 2438
Revised Code that rezoned or redistricted the parcel or parcels 2439
upon which the facility is to be constructed or modified and 2440
that became effective within two years prior to the filing of an 2441
application for a permit required under division (A) (2) (a) of 2442
section 3734.05 of the Revised Code to open a new or modify an 2443
existing solid waste facility. 2444

(D) Except for the inventories required by divisions (A) 2445
(1), (2), and (4) of this section and the projections required 2446
by division (A) (6) of this section, neither this section nor the 2447
solid waste management plan of a county or joint district 2448
applies to the construction, operation, use, repair, or 2449
maintenance of either of the following: 2450

(1) A solid waste facility owned by a generator of solid 2451
wastes when the solid waste facility exclusively disposes of 2452
solid wastes generated at one or more premises owned by the 2453
generator regardless of whether the facility is located on a 2454
premises where the wastes are generated; 2455

(2) A facility that exclusively disposes of wastes that 2456

are generated from the combustion of coal, or from the 2457
combustion of primarily coal in combination with scrap tires, 2458
that is not combined in any way with garbage at one or more 2459
premises owned by the generator. 2460

(E) (1) The initial solid waste management plans prepared 2461
by county or joint districts under section 3734.521 of the 2462
Revised Code and the amended plans prepared under section 2463
3734.521 or 3734.56 of the Revised Code shall contain a clear 2464
statement as to whether the board of county commissioners or 2465
directors is authorized to or precluded from establishing 2466
facility designations under section 343.014 of the Revised Code. 2467

(2) A policy committee that is preparing a draft or 2468
revised draft plan under section 3734.55 of the Revised Code on 2469
October 29, 1993, may include in the draft or revised draft plan 2470
only one of the following pertaining to the solid waste 2471
facilities or recycling activities where solid wastes generated 2472
within or transported into the district are to be taken for 2473
disposal, transfer, resource recovery, or recycling: 2474

(a) The designations required under former division (A) 2475
(12) (a) of this section as it existed prior to October 29, 1993; 2476

(b) The identifications required in division (A) (12) (a) of 2477
this section and the statement required under division (E) (1) of 2478
this section; 2479

(c) Both of the following: 2480

(i) The designations required under former division (A) 2481
(12) (a) of this section as it existed prior to October 29, 1993, 2482
except that those designations only shall pertain to solid waste 2483
disposal, transfer, or resource recovery facilities or recycling 2484
activities that are owned by a municipal corporation, county, 2485

county or joint solid waste management district, township, or 2486
township waste disposal district created under section 505.28 of 2487
the Revised Code for which debt issued under Chapter 133., 343., 2488
or 6123. of the Revised Code is outstanding; 2489

(ii) The identifications required under division (A) (12) 2490
(a) of this section, and the statement required under division 2491
(E) (1) of this section, pertaining to the solid waste facilities 2492
and recycling activities described in division (A) of section 2493
343.014 of the Revised Code. 2494

(F) Notwithstanding section 3734.01 of the Revised Code, 2495
"solid wastes" does not include scrap tires and "facility" does 2496
not include any scrap tire collection, storage, monocell, 2497
monofill, or recovery facility in either of the following 2498
circumstances: 2499

(1) For the purposes of an initial plan prepared and 2500
ordered to be implemented by the director under section 3734.55 2501
of the Revised Code; 2502

(2) For the purposes of an initial or amended plan 2503
prepared and ordered to be implemented by the director under 2504
division (D) ~~or (F) (1) or (2)~~ of section 3734.521 of the Revised 2505
Code in connection with a change in district composition as 2506
defined in that section that involves an existing district that 2507
is operating under either an initial plan approved or prepared 2508
and ordered to be implemented under section 3734.55 of the 2509
Revised Code or an initial or amended plan approved or prepared 2510
and ordered to be implemented under section 3734.521 of the 2511
Revised Code that does not provide for the management of scrap 2512
tires and scrap tire facilities. 2513

(G) Notwithstanding section 3734.01 of the Revised Code, 2514

and except as provided in division (A) (4) of this section, 2515
"solid wastes" need not include scrap tires and "facility" need 2516
not include any scrap tire collection, storage, monocell, 2517
monofill, or recovery facility ~~in either of the following~~ 2518
~~circumstances:~~ 2519

~~(1) For~~ for the purposes of an initial plan prepared under 2520
sections 3734.54 and 3734.55 of the Revised Code unless the 2521
solid waste management policy committee preparing the initial 2522
plan chooses to include the management of scrap tires and scrap 2523
tire facilities in the plan, 2524

~~(2) For the purposes of a preliminary demonstration of~~ 2525
~~capacity as defined in section 3734.521 of the Revised Code, if~~ 2526
~~any, and an initial or amended plan prepared under that section~~ 2527
~~by the solid waste management policy committee of a solid waste~~ 2528
~~management district resulting from proceedings for a change in~~ 2529
~~district composition under sections 343.012 and 3734.521 of the~~ 2530
~~Revised Code that involves an existing district that is~~ 2531
~~operating either under an initial plan approved or prepared and~~ 2532
~~ordered to be implemented under section 3734.55 of the Revised~~ 2533
~~Code or under an initial or amended plan approved or prepared~~ 2534
~~and ordered to be implemented under section 3734.521 of the~~ 2535
~~Revised Code that does not provide for the management of scrap~~ 2536
~~tires and scrap tire facilities unless the solid waste~~ 2537
~~management policy committee of the district resulting from the~~ 2538
~~change chooses to include the management of scrap tires and~~ 2539
~~scrap tire facilities in the preliminary demonstration of~~ 2540
~~capacity, if any, and the initial or amended plan prepared under~~ 2541
~~section 3734.521 of the Revised Code in connection with the~~ 2542
~~change proceedings.~~ 2543

If a policy committee chooses to include the management of 2544

scrap tires and scrap tire facilities in an initial plan 2545
pursuant to division ~~(G) (1)~~ (G) of this section, the initial plan 2546
shall incorporate all of the elements required under this 2547
section, and may incorporate any of the elements authorized 2548
under this section, for the purpose of managing solid wastes 2549
that consist of scrap tires and solid waste facilities that are 2550
scrap tire collection, storage, monocell, monofill, or recovery 2551
facilities. ~~If a policy committee chooses to provide for the~~ 2552
~~management of scrap tires and scrap tire facilities pursuant to~~ 2553
~~division (G) (2) of this section, the preliminary demonstration~~ 2554
~~of capacity, if one is required, shall incorporate all of the~~ 2555
~~elements required under division (E) (1) or (2) of section~~ 2556
~~3734.521 of the Revised Code, as appropriate, for the purpose of~~ 2557
~~managing solid wastes that consist of scrap tires and solid~~ 2558
~~waste facilities that are scrap tire collection, storage,~~ 2559
~~monocell, monofill, or recovery facilities. The initial or~~ 2560
~~amended plan also shall incorporate all of the elements required~~ 2561
~~under this section, and may incorporate any of the elements~~ 2562
~~authorized under this section, for the purpose of managing solid~~ 2563
~~wastes that consist of scrap tires and solid waste facilities~~ 2564
~~that are scrap tire collection, storage, monocell, monofill, or~~ 2565
~~recovery facilities.~~ 2566

(H) Neither this section nor the solid waste management 2567
plan of a county or joint district applies to the construction, 2568
operation, use, repair, or maintenance of any compost facility 2569
that exclusively composts raw rendering material. 2570

Sec. 3734.56. (A) Each county and joint solid waste 2571
management district having a solid waste management plan 2572
approved under section 3734.521 or 3734.55 of the Revised Code 2573
with a planning period of less than fifteen years shall submit 2574
triennially, on or before the anniversary date of the approval 2575

of the initial plan, to the director of environmental protection 2576
an amended plan and certification for the subsequent ten-year 2577
period or longer period on which the district's initial plan was 2578
based. If the district's initial plan as approved by the 2579
director contained a planning period of fifteen or more years, 2580
the district shall submit such an amended plan and certification 2581
to the director every five years on or before the anniversary 2582
date of the approval of the initial plan of the district. 2583

The amended plan and certification shall comply with 2584
divisions (A), (B), (D), and (E) (1) of section 3734.53 of the 2585
Revised Code. An amended plan may incorporate any of the 2586
elements under division (C) of that section that are not 2587
included in the district's initial plan or previous amended 2588
plans and may delete any of those elements that were contained 2589
in the initial plan or previous amended plans. An amended plan 2590
shall incorporate all of the elements required under section 2591
3734.53 of the Revised Code, and may incorporate any of the 2592
elements authorized under that section, for the purpose of 2593
managing solid wastes that consist of scrap tires and solid 2594
waste facilities that are scrap tire collection, storage, 2595
monocell, monofill, or recovery facilities. 2596

Not later than fifteen months before the required date for 2597
submission of the amended plan for the district under this 2598
section, the solid waste management policy committee of the 2599
county or joint district established under section 3734.54 of 2600
the Revised Code shall begin preparation of the draft amended 2601
plan for the district. The committee shall proceed to adopt and 2602
obtain approval of the amended plan of the district in 2603
accordance with divisions (A) to (C) of section 3734.55 of the 2604
Revised Code. 2605

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

(B) If the solid waste management plan of a county or
joint district was initially prepared and ordered to be
implemented by the director under division (D) of section
3734.55 of the Revised Code or division (D) ~~or (E)~~ of section
3734.521 of the Revised Code, the director shall review the plan
triennially and prepare for the district an amended plan that
complies with divisions (A) and (D) of section 3734.53 of the
Revised Code and is applicable to the subsequent ten-year
period. An amended plan prepared by the director shall not
contain any provisions required or authorized to be included in
plans submitted by districts under ~~divisions~~ division (B), (C),
or (E) of section 3734.53 of the Revised Code. Upon completion
of the amended plan, the director shall issue an order in
accordance with Chapter 3745. of the Revised Code directing the
board of county commissioners or board of directors of the
district to implement the amended plan in compliance with the
implementation schedule contained in it.

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

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

(D) When the board of county commissioners of a county district or the board of directors of a joint district determines that circumstances materially changed from those addressed in the approved initial or amended plan of the district require submission of an amended plan prior to the time required under division (A) of this section, the board shall request the solid waste management policy committee of the district to prepare a draft amended plan. Upon receipt of the board's request, the committee shall begin preparing a draft

amended plan for the district and shall proceed to adopt and 2668
obtain approval of the amended plan in accordance with divisions 2669
(A) to (C) of section 3734.55 of the Revised Code. 2670

(E) The board of county commissioners of a county district 2671
or board of directors of a joint district may request the solid 2672
waste management policy committee of the district to prepare and 2673
adopt amendments to any provisions of the district's plan or 2674
amended plan required to be included under division (B) of 2675
section 3734.53 of the Revised Code at any time and without 2676
obtaining approval of the amendments from the director. The 2677
committee shall adopt a resolution setting forth the proposed 2678
amendments to the plan and shall proceed in accordance with 2679
division (B) of section 3734.57 of the Revised Code to conduct a 2680
public hearing on the proposed amendments and obtain their 2681
approval and ratification. 2682

(F) The board of county commissioners of a county district 2683
or board of directors of a joint district may request the solid 2684
waste management policy committee of the district to prepare and 2685
adopt an amendment to the provision required to be included in 2686
the district's plan or amended plan under division (E) of 2687
section 3734.53 of the Revised Code at any time and without the 2688
necessity of obtaining approval of the amendment from the 2689
director. The policy committee shall adopt a resolution setting 2690
forth the proposed amendment to the plan. Upon adopting the 2691
resolution, it shall proceed in accordance with divisions (A) 2692
and (B) of section 3734.55 of the Revised Code to adopt and 2693
obtain ratification of the proposed amendment in the same manner 2694
as a plan, except that the board need not submit a copy of the 2695
resolution to the director for review and comment under division 2696
(A) of that section. An amendment to a plan or amended plan that 2697
is proposed and ratified in accordance with this division shall 2698

take effect when the policy committee declares the amendment to 2699
be ratified pursuant to division (B) of section 3734.55 of the 2700
Revised Code. 2701

Sec. 3734.57. (A) The following fees are hereby levied on 2702
the transfer or disposal of solid wastes in this state: 2703

(1) Seventy-one cents per ton through June 30, 2026, 2704
eleven cents of the proceeds of which shall be deposited in the 2705
state treasury to the credit of the hazardous waste facility 2706
management fund created in section 3734.18 of the Revised Code 2707
and sixty cents of the proceeds of which shall be deposited in 2708
the state treasury to the credit of the hazardous waste clean-up 2709
fund created in section 3734.28 of the Revised Code; 2710

(2) An additional ninety cents per ton through June 30, 2711
2026, the proceeds of which shall be deposited in the state 2712
treasury to the credit of the waste management fund created in 2713
section 3734.061 of the Revised Code; 2714

(3) An additional two dollars and eighty-one cents per ton 2715
through June 30, 2026, the proceeds of which shall be deposited 2716
in the state treasury to the credit of the environmental 2717
protection fund created in section 3745.015 of the Revised Code; 2718

(4) An additional twenty-five cents per ton through June 2719
30, 2026, the proceeds of which shall be deposited in the state 2720
treasury to the credit of the soil and water conservation 2721
district assistance fund created in section 940.15 of the 2722
Revised Code; 2723

(5) An additional eight cents per ton through June 30, 2724
2026, the proceeds of which shall be deposited in the state 2725
treasury to the credit of the national priority list remedial 2726
support fund created in section 3734.579 of the Revised Code. 2727

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid

wastes received from transfer facilities located in this state 2759
during that month for which the fees were required to be 2760
collected by the transfer facilities. The monthly returns shall 2761
be filed on a form prescribed by the director. Not later than 2762
thirty days after the last day of the month to which a return 2763
applies, the owner or operator shall mail to the director the 2764
return for that month together with the fees required to be 2765
collected under this division during that month as indicated on 2766
the return or may submit the return and fees electronically in a 2767
manner approved by the director. If the return is filed and the 2768
amount of the fees due is paid in a timely manner as required in 2769
this division, the owner or operator may retain a discount of 2770
three-fourths of one per cent of the total amount of the fees 2771
that are required to be paid as indicated on the return. 2772

The owner or operator may request an extension of not more 2773
than thirty days for filing the return and remitting the fees, 2774
provided that the owner or operator has submitted such a request 2775
in writing to the director together with a detailed description 2776
of why the extension is requested, the director has received the 2777
request not later than the day on which the return is required 2778
to be filed, and the director has approved the request. If the 2779
fees are not remitted within thirty days after the last day of 2780
the month to which the return applies or are not remitted by the 2781
last day of an extension approved by the director, the owner or 2782
operator shall not retain the three-fourths of one per cent 2783
discount and shall pay an additional ten per cent of the amount 2784
of the fees for each month that they are late. For purposes of 2785
calculating the late fee, the first month in which fees are late 2786
begins on the first day after the deadline has passed for timely 2787
submitting the return and fees, and one additional month shall 2788
be counted every thirty days thereafter. 2789

The owner or operator of a solid waste facility may 2790
request a refund or credit of fees levied under this division 2791
and remitted to the director that have not been paid to the 2792
owner or operator. Such a request shall be made only if the fees 2793
have not been collected by the owner or operator, have become a 2794
debt that has become worthless or uncollectable for a period of 2795
six months or more, and may be claimed as a deduction, including 2796
a deduction claimed if the owner or operator keeps accounts on 2797
an accrual basis, under the "Internal Revenue Code of 1954," 68A 2798
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 2799
under it. Prior to making a request for a refund or credit, an 2800
owner or operator shall make reasonable efforts to collect the 2801
applicable fees. A request for a refund or credit shall not 2802
include any costs resulting from those efforts to collect unpaid 2803
fees. 2804

A request for a refund or credit of fees shall be made in 2805
writing, on a form prescribed by the director, and shall be 2806
supported by evidence that may be required in rules adopted by 2807
the director under this chapter. After reviewing the request, 2808
and if the request and evidence submitted with the request 2809
indicate that a refund or credit is warranted, the director 2810
shall grant a refund to the owner or operator or shall permit a 2811
credit to be taken by the owner or operator on a subsequent 2812
monthly return submitted by the owner or operator. The amount of 2813
a refund or credit shall not exceed an amount that is equal to 2814
ninety days' worth of fees owed to an owner or operator by a 2815
particular debtor of the owner or operator. A refund or credit 2816
shall not be granted by the director to an owner or operator 2817
more than once in any twelve-month period for fees owed to the 2818
owner or operator by a particular debtor. 2819

If, after receiving a refund or credit from the director, 2820

an owner or operator receives payment of all or part of the 2821
fees, the owner or operator shall remit the fees with the next 2822
monthly return submitted to the director together with a written 2823
explanation of the reason for the submittal. 2824

For purposes of computing the fees levied under this 2825
division or division (B) of this section, any solid waste 2826
transfer or disposal facility that does not use scales as a 2827
means of determining gate receipts shall use a conversion factor 2828
of three cubic yards per ton of solid waste or one cubic yard 2829
per ton for baled waste, as applicable. 2830

The fees levied under this division and divisions (B) and 2831
(C) of this section are in addition to all other applicable fees 2832
and taxes and shall be paid by the customer or a political 2833
subdivision to the owner or operator of a solid waste transfer 2834
or disposal facility. In the alternative, the fees shall be paid 2835
by a customer or political subdivision to a transporter of waste 2836
who subsequently transfers the fees to the owner or operator of 2837
such a facility. The fees shall be paid notwithstanding the 2838
existence of any provision in a contract that the customer or a 2839
political subdivision may have with the owner or operator or 2840
with a transporter of waste to the facility that would not 2841
require or allow such payment regardless of whether the contract 2842
was entered prior to or after October 16, 2009. For those 2843
purposes, "customer" means a person who contracts with, or 2844
utilizes the solid waste services of, the owner or operator of a 2845
solid waste transfer or disposal facility or a transporter of 2846
solid waste to such a facility. 2847

(B) For the purposes specified in division (G) of this 2848
section, the solid waste management policy committee of a county 2849
or joint solid waste management district may levy fees upon the 2850

following activities: 2851

(1) The disposal at a solid waste disposal facility 2852
located in the district of solid wastes generated within the 2853
district; 2854

(2) The disposal at a solid waste disposal facility within 2855
the district of solid wastes generated outside the boundaries of 2856
the district, but inside this state; 2857

(3) The disposal at a solid waste disposal facility within 2858
the district of solid wastes generated outside the boundaries of 2859
this state. 2860

The solid waste management plan of the county or joint 2861
district approved under section 3734.521 or 3734.55 of the 2862
Revised Code and any amendments to it, or the resolution adopted 2863
under this division, as appropriate, shall establish the rates 2864
of the fees levied under divisions (B) (1), (2), and (3) of this 2865
section, if any, and shall specify whether the fees are levied 2866
on the basis of tons or cubic yards as the unit of measurement. 2867
A solid waste management district that levies fees under this 2868
division on the basis of cubic yards shall do so in accordance 2869
with division (A) of this section. 2870

The fee levied under division (B) (1) of this section shall 2871
be not less than one dollar per ton nor more than two dollars 2872
per ton, the fee levied under division (B) (2) of this section 2873
shall be not less than two dollars per ton nor more than four 2874
dollars per ton, and the fee levied under division (B) (3) of 2875
this section shall be not more than the fee levied under 2876
division (B) (1) of this section. 2877

Prior to the approval of the solid waste management plan 2878
of a district under section 3734.55 of the Revised Code, the 2879

solid waste management policy committee of a district may levy 2880
fees under this division by adopting a resolution establishing 2881
the proposed amount of the fees. Upon adopting the resolution, 2882
the committee shall deliver a copy of the resolution to the 2883
board of county commissioners of each county forming the 2884
district and to the legislative authority of each municipal 2885
corporation and township under the jurisdiction of the district 2886
and shall prepare and publish the resolution and a notice of the 2887
time and location where a public hearing on the fees will be 2888
held. Upon adopting the resolution, the committee shall deliver 2889
written notice of the adoption of the resolution; of the amount 2890
of the proposed fees; and of the date, time, and location of the 2891
public hearing to the director and to the fifty industrial, 2892
commercial, or institutional generators of solid wastes within 2893
the district that generate the largest quantities of solid 2894
wastes, as determined by the committee, and to their local trade 2895
associations. The committee shall make good faith efforts to 2896
identify those generators within the district and their local 2897
trade associations, but the nonprovision of notice under this 2898
division to a particular generator or local trade association 2899
does not invalidate the proceedings under this division. The 2900
publication shall occur at least thirty days before the hearing. 2901
After the hearing, the committee may make such revisions to the 2902
proposed fees as it considers appropriate and thereafter, by 2903
resolution, shall adopt the revised fee schedule. Upon adopting 2904
the revised fee schedule, the committee shall deliver a copy of 2905
the resolution doing so to the board of county commissioners of 2906
each county forming the district and to the legislative 2907
authority of each municipal corporation and township under the 2908
jurisdiction of the district. Within sixty days after the 2909
delivery of a copy of the resolution adopting the proposed 2910
revised fees by the policy committee, each such board and 2911

legislative authority, by ordinance or resolution, shall approve 2912
or disapprove the revised fees and deliver a copy of the 2913
ordinance or resolution to the committee. If any such board or 2914
legislative authority fails to adopt and deliver to the policy 2915
committee an ordinance or resolution approving or disapproving 2916
the revised fees within sixty days after the policy committee 2917
delivered its resolution adopting the proposed revised fees, it 2918
shall be conclusively presumed that the board or legislative 2919
authority has approved the proposed revised fees. The committee 2920
shall determine if the resolution has been ratified in the same 2921
manner in which it determines if a draft solid waste management 2922
plan has been ratified under division (B) of section 3734.55 of 2923
the Revised Code. 2924

The committee may amend the schedule of fees levied 2925
pursuant to a resolution adopted and ratified under this 2926
division by adopting a resolution establishing the proposed 2927
amount of the amended fees. The committee may repeal the fees 2928
levied pursuant to such a resolution by adopting a resolution 2929
proposing to repeal them. Upon adopting such a resolution, the 2930
committee shall proceed to obtain ratification of the resolution 2931
in accordance with this division. 2932

Not later than fourteen days after declaring the new fees 2933
to be ratified or the fees to be repealed under this division, 2934
the committee shall notify by certified mail the owner or 2935
operator of each solid waste disposal facility that is required 2936
to collect the fees of the ratification and the amount of the 2937
fees or of the repeal of the fees. Collection of any fees shall 2938
commence or collection of repealed fees shall cease on the first 2939
day of the second month following the month in which 2940
notification is sent to the owner or operator. 2941

Fees levied under this division also may be established, 2942
amended, or repealed by a solid waste management policy 2943
committee through the adoption of a new district solid waste 2944
management plan, the adoption of an amended plan, or the 2945
amendment of the plan or amended plan in accordance with 2946
sections 3734.55 and 3734.56 of the Revised Code or the adoption 2947
or amendment of a district plan in connection with a change in 2948
district composition under section 3734.521 of the Revised Code. 2949

Not later than fourteen days after the director issues an 2950
order approving a district's solid waste management plan, 2951
amended plan, or amendment to a plan or amended plan that 2952
establishes, amends, or repeals a schedule of fees levied by the 2953
district, the committee shall notify by certified mail the owner 2954
or operator of each solid waste disposal facility that is 2955
required to collect the fees of the approval of the plan or 2956
amended plan, or the amendment to the plan, as appropriate, and 2957
the amount of the fees, if any. In the case of an initial or 2958
amended plan approved under section 3734.521 of the Revised Code 2959
in connection with a change in district composition, other than 2960
one involving the withdrawal of a county from a joint district, 2961
the committee, within fourteen days after the change takes 2962
effect pursuant to division ~~(G)~~(E) of that section, shall notify 2963
by certified mail the owner or operator of each solid waste 2964
disposal facility that is required to collect the fees that the 2965
change has taken effect and of the amount of the fees, if any. 2966
Collection of any fees shall commence or collection of repealed 2967
fees shall cease on the first day of the second month following 2968
the month in which notification is sent to the owner or 2969
operator. 2970

If, in the case of a change in district composition 2971
involving the withdrawal of a county from a joint district, the 2972

director completes the actions required under ~~division (C) (1) or~~ 2973
~~(3) of section 3734.521-3734.522~~ of the Revised Code, ~~as-~~ 2974
~~appropriate,~~ forty-five days or more before the beginning of a 2975
calendar year, the policy committee of each of the districts 2976
resulting from the change that obtained the director's approval 2977
of an initial or amended plan in connection with the change, 2978
within fourteen days after the director's completion of the 2979
required actions, shall notify by certified mail the owner or 2980
operator of each solid waste disposal facility that is required 2981
to collect the district's fees that the change is to take effect 2982
on the first day of January immediately following the issuance 2983
of the notice and of the amount of the fees or amended fees 2984
levied under divisions (B) (1) to (3) of this section pursuant to 2985
the district's initial or amended plan as so approved or, if 2986
appropriate, the repeal of the district's fees by that initial 2987
or amended plan. Collection of any fees set forth in such a plan 2988
or amended plan shall commence on the first day of January 2989
immediately following the issuance of the notice. If such an 2990
initial or amended plan repeals a schedule of fees, collection 2991
of the fees shall cease on that first day of January. 2992

If, in the case of a change in district composition 2993
involving the withdrawal of a county from a joint district, the 2994
director completes the actions required under ~~division (C) (1) or~~ 2995
~~(3) of section 3734.521-3734.522~~ of the Revised Code, ~~as-~~ 2996
~~appropriate,~~ less than forty-five days before the beginning of a 2997
calendar year, the director, on behalf of each of the districts 2998
resulting from the change that obtained the director's approval 2999
of an initial or amended plan in connection with the change 3000
proceedings, shall notify by certified mail the owner or 3001
operator of each solid waste disposal facility that is required 3002
to collect the district's fees that the change is to take effect 3003

on the first day of January immediately following the mailing of 3004
the notice and of the amount of the fees or amended fees levied 3005
under divisions (B)(1) to (3) of this section pursuant to the 3006
district's initial or amended plan as so approved or, if 3007
appropriate, the repeal of the district's fees by that initial 3008
or amended plan. Collection of any fees set forth in such a plan 3009
or amended plan shall commence on the first day of the second 3010
month following the month in which notification is sent to the 3011
owner or operator. If such an initial or amended plan repeals a 3012
schedule of fees, collection of the fees shall cease on the 3013
first day of the second month following the month in which 3014
notification is sent to the owner or operator. 3015

If the schedule of fees that a solid waste management 3016
district is levying under divisions (B)(1) to (3) of this 3017
section is amended or repealed, the fees in effect immediately 3018
prior to the amendment or repeal shall continue to be collected 3019
until collection of the amended fees commences or collection of 3020
the repealed fees ceases, as applicable, as specified in this 3021
division. In the case of a change in district composition, money 3022
so received from the collection of the fees of the former 3023
districts shall be divided among the resulting districts in 3024
accordance with ~~division (B) of section 343.012-3734.522~~ of the 3025
Revised Code and the agreements entered into under division (B) 3026
of section 343.01 of the Revised Code to establish the former 3027
and resulting districts and any amendments to those agreements. 3028

For the purposes of the provisions of division (B) of this 3029
section establishing the times when newly established or amended 3030
fees levied by a district are required to commence and the 3031
collection of fees that have been amended or repealed is 3032
required to cease, "fees" or "schedule of fees" includes, in 3033
addition to fees levied under divisions (B)(1) to (3) of this 3034

section, those levied under section 3734.573 or 3734.574 of the 3035
Revised Code. 3036

(C) For the purposes of defraying the added costs to a 3037
municipal corporation or township of maintaining roads and other 3038
public facilities and of providing emergency and other public 3039
services, and compensating a municipal corporation or township 3040
for reductions in real property tax revenues due to reductions 3041
in real property valuations resulting from the location and 3042
operation of a solid waste disposal facility within the 3043
municipal corporation or township, a municipal corporation or 3044
township in which such a solid waste disposal facility is 3045
located may levy a fee of not more than twenty-five cents per 3046
ton on the disposal of solid wastes at a solid waste disposal 3047
facility located within the boundaries of the municipal 3048
corporation or township regardless of where the wastes were 3049
generated. 3050

The legislative authority of a municipal corporation or 3051
township may levy fees under this division by enacting an 3052
ordinance or adopting a resolution establishing the amount of 3053
the fees. Upon so doing the legislative authority shall mail a 3054
certified copy of the ordinance or resolution to the board of 3055
county commissioners or directors of the county or joint solid 3056
waste management district in which the municipal corporation or 3057
township is located or, if a regional solid waste management 3058
authority has been formed under section 343.011 of the Revised 3059
Code, to the board of trustees of that regional authority, the 3060
owner or operator of each solid waste disposal facility in the 3061
municipal corporation or township that is required to collect 3062
the fee by the ordinance or resolution, and the director of 3063
environmental protection. Although the fees levied under this 3064
division are levied on the basis of tons as the unit of 3065

measurement, the legislative authority, in its ordinance or 3066
resolution levying the fees under this division, may direct that 3067
the fees be levied on the basis of cubic yards as the unit of 3068
measurement based upon a conversion factor of three cubic yards 3069
per ton generally or one cubic yard per ton for baled wastes. 3070

Not later than five days after enacting an ordinance or 3071
adopting a resolution under this division, the legislative 3072
authority shall so notify by certified mail the owner or 3073
operator of each solid waste disposal facility that is required 3074
to collect the fee. Collection of any fee levied on or after 3075
March 24, 1992, shall commence on the first day of the second 3076
month following the month in which notification is sent to the 3077
owner or operator. 3078

(D) (1) The fees levied under divisions (A), (B), and (C) 3079
of this section do not apply to the disposal of solid wastes 3080
that: 3081

(a) Are disposed of at a facility owned by the generator 3082
of the wastes when the solid waste facility exclusively disposes 3083
of solid wastes generated at one or more premises owned by the 3084
generator regardless of whether the facility is located on a 3085
premises where the wastes are generated; 3086

(b) Are generated from the combustion of coal, or from the 3087
combustion of primarily coal, regardless of whether the disposal 3088
facility is located on the premises where the wastes are 3089
generated; 3090

(c) Are asbestos or asbestos-containing materials or 3091
products disposed of at a construction and demolition debris 3092
facility that is licensed under Chapter 3714. of the Revised 3093
Code or at a solid waste facility that is licensed under this 3094

chapter. 3095

(2) Except as provided in section 3734.571 of the Revised 3096
Code, any fees levied under division (B)(1) of this section 3097
apply to solid wastes originating outside the boundaries of a 3098
county or joint district that are covered by an agreement for 3099
the joint use of solid waste facilities entered into under 3100
section 343.02 of the Revised Code by the board of county 3101
commissioners or board of directors of the county or joint 3102
district where the wastes are generated and disposed of. 3103

(3) When solid wastes, other than solid wastes that 3104
consist of scrap tires, are burned in a disposal facility that 3105
is an incinerator or energy recovery facility, the fees levied 3106
under divisions (A), (B), and (C) of this section shall be 3107
levied upon the disposal of the fly ash and bottom ash remaining 3108
after burning of the solid wastes and shall be collected by the 3109
owner or operator of the sanitary landfill where the ash is 3110
disposed of. 3111

(4) When solid wastes are delivered to a solid waste 3112
transfer facility, the fees levied under divisions (B) and (C) 3113
of this section shall be levied upon the disposal of solid 3114
wastes transported off the premises of the transfer facility for 3115
disposal and shall be collected by the owner or operator of the 3116
solid waste disposal facility where the wastes are disposed of. 3117

(5) The fees levied under divisions (A), (B), and (C) of 3118
this section do not apply to sewage sludge that is generated by 3119
a waste water treatment facility holding a national pollutant 3120
discharge elimination system permit and that is disposed of 3121
through incineration, land application, or composting or at 3122
another resource recovery or disposal facility that is not a 3123
landfill. 3124

(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 wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution

or soil contamination. An order issued by the director of 3156
environmental protection under division (D) (8) of this section 3157
shall include a determination that the amount of the fees not 3158
received by a solid waste management district as a result of the 3159
order will not adversely impact the implementation and financing 3160
of the district's approved solid waste management plan and any 3161
approved amendments to the plan. Such an order is a final action 3162
of the director of environmental protection. 3163

(E) The fees levied under divisions (B) and (C) of this 3164
section shall be collected by the owner or operator of the solid 3165
waste disposal facility where the wastes are disposed of as a 3166
trustee for the county or joint district and municipal 3167
corporation or township where the wastes are disposed of. Moneys 3168
from the fees levied under division (B) of this section shall be 3169
forwarded to the board of county commissioners or board of 3170
directors of the district in accordance with rules adopted under 3171
division (H) of this section. Moneys from the fees levied under 3172
division (C) of this section shall be forwarded to the treasurer 3173
or such other officer of the municipal corporation as, by virtue 3174
of the charter, has the duties of the treasurer or to the fiscal 3175
officer of the township, as appropriate, in accordance with 3176
those rules. 3177

(F) Moneys received by the treasurer or other officer of 3178
the municipal corporation under division (E) of this section 3179
shall be paid into the general fund of the municipal 3180
corporation. Moneys received by the fiscal officer of the 3181
township under that division shall be paid into the general fund 3182
of the township. The treasurer or other officer of the municipal 3183
corporation or the township fiscal officer, as appropriate, 3184
shall maintain separate records of the moneys received from the 3185
fees levied under division (C) of this section. 3186

(G) Moneys received by the board of county commissioners 3187
or board of directors under division (E) of this section or 3188
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 3189
Code shall be paid to the county treasurer, or other official 3190
acting in a similar capacity under a county charter, in a county 3191
district or to the county treasurer or other official designated 3192
by the board of directors in a joint district and kept in a 3193
separate and distinct fund to the credit of the district. If a 3194
regional solid waste management authority has been formed under 3195
section 343.011 of the Revised Code, moneys received by the 3196
board of trustees of that regional authority under division (E) 3197
of this section shall be kept by the board in a separate and 3198
distinct fund to the credit of the district. Moneys in the 3199
special fund of the county or joint district arising from the 3200
fees levied under division (B) of this section and the fee 3201
levied under division (A) of section 3734.573 of the Revised 3202
Code shall be expended by the board of county commissioners or 3203
directors of the district in accordance with the district's 3204
solid waste management plan or amended plan approved under 3205
section 3734.521, 3734.55, or 3734.56 of the Revised Code 3206
exclusively for the following purposes: 3207

(1) Preparation of the solid waste management plan of the 3208
district under section 3734.54 of the Revised Code, monitoring 3209
implementation of the plan, and conducting the periodic review 3210
and amendment of the plan required by section 3734.56 of the 3211
Revised Code by the solid waste management policy committee; 3212

(2) Implementation of the approved solid waste management 3213
plan or amended plan of the district, including, without 3214
limitation, the development and implementation of solid waste 3215
recycling or reduction programs; 3216

(3) Providing financial assistance to boards of health 3217
within the district, if solid waste facilities are located 3218
within the district, for enforcement of this chapter and rules, 3219
orders, and terms and conditions of permits, licenses, and 3220
variances adopted or issued under it, other than the hazardous 3221
waste provisions of this chapter and rules adopted and orders 3222
and terms and conditions of permits issued under those 3223
provisions; 3224

(4) Providing financial assistance to each county within 3225
the district to defray the added costs of maintaining roads and 3226
other public facilities and of providing emergency and other 3227
public services resulting from the location and operation of a 3228
solid waste facility within the county under the district's 3229
approved solid waste management plan or amended plan; 3230

(5) Pursuant to contracts entered into with boards of 3231
health within the district, if solid waste facilities contained 3232
in the district's approved plan or amended plan are located 3233
within the district, for paying the costs incurred by those 3234
boards of health for collecting and analyzing samples from 3235
public or private water wells on lands adjacent to those 3236
facilities; 3237

(6) Developing and implementing a program for the 3238
inspection of solid wastes generated outside the boundaries of 3239
this state that are disposed of at solid waste facilities 3240
included in the district's approved solid waste management plan 3241
or amended plan; 3242

(7) Providing financial assistance to boards of health 3243
within the district for the enforcement of section 3734.03 of 3244
the Revised Code or to local law enforcement agencies having 3245
jurisdiction within the district for enforcing anti-littering 3246

laws and ordinances; 3247

(8) Providing financial assistance to boards of health of 3248
health districts within the district that are on the approved 3249
list under section 3734.08 of the Revised Code to defray the 3250
costs to the health districts for the participation of their 3251
employees responsible for enforcement of the solid waste 3252
provisions of this chapter and rules adopted and orders and 3253
terms and conditions of permits, licenses, and variances issued 3254
under those provisions in the training and certification program 3255
as required by rules adopted under division (L) of section 3256
3734.02 of the Revised Code; 3257

(9) Providing financial assistance to individual municipal 3258
corporations and townships within the district to defray their 3259
added costs of maintaining roads and other public facilities and 3260
of providing emergency and other public services resulting from 3261
the location and operation within their boundaries of a 3262
composting, energy or resource recovery, incineration, or 3263
recycling facility that either is owned by the district or is 3264
furnishing solid waste management facility or recycling services 3265
to the district pursuant to a contract or agreement with the 3266
board of county commissioners or directors of the district; 3267

(10) Payment of any expenses that are agreed to, awarded, 3268
or ordered to be paid under section 3734.35 of the Revised Code 3269
and of any administrative costs incurred pursuant to that 3270
section. In the case of a joint solid waste management district, 3271
if the board of county commissioners of one of the counties in 3272
the district is negotiating on behalf of affected communities, 3273
as defined in that section, in that county, the board shall 3274
obtain the approval of the board of directors of the district in 3275
order to expend moneys for administrative costs incurred. 3276

(11) Providing financial assistance to individual 3277
counties, boards of health, municipal corporations, and 3278
townships for the costs of mitigating impacts to public health, 3279
safety, and welfare of solid waste disposal or transfer 3280
facilities within the applicable political subdivision. 3281

Prior to the approval of the district's solid waste 3282
management plan under section 3734.55 of the Revised Code, 3283
moneys in the special fund of the district arising from the fees 3284
shall be expended for those purposes in the manner prescribed by 3285
the solid waste management policy committee by resolution. 3286

~~Notwithstanding division (G) (6) of this section as it~~ 3287
~~existed prior to October 29, 1993, or any provision in a~~ 3288
~~district's solid waste management plan prepared in accordance~~ 3289
~~with division (B) (2) (c) of section 3734.53 of the Revised Code~~ 3290
~~as it existed prior to that date, any moneys arising from the~~ 3291
~~fees levied under division (B) (3) of this section prior to~~ 3292
~~January 1, 1994, may be expended for any of the purposes~~ 3293
~~authorized in divisions (G) (1) to (10) of this section.~~ 3294

(H) The director shall adopt rules in accordance with 3295
Chapter 119. of the Revised Code prescribing procedures for 3296
collecting and forwarding the fees levied under divisions (B) 3297
and (C) of this section to the boards of county commissioners or 3298
directors of county or joint solid waste management districts 3299
and to the treasurers or other officers of municipal 3300
corporations and the fiscal officers of townships. The rules 3301
also shall prescribe the dates for forwarding the fees to the 3302
boards and officials and may prescribe any other requirements 3303
the director considers necessary or appropriate to implement and 3304
administer divisions (A), (B), and (C) of this section. 3305

Sec. 3734.574. (A) (1) A county or joint solid waste 3306

management district that is levying fees under division (B) of 3307
section 3734.57 of the Revised Code on October 29, 1993, 3308
pursuant to a resolution adopted under that division and former 3309
Section 25 of Am. Sub. S.B. 359 of the 119th general assembly, 3310
or one that is levying those fees pursuant to such a resolution 3311
and for which the director of environmental protection 3312
disapproves the initial solid waste management plan of the 3313
district under section 3734.55 of the Revised Code on or after 3314
October 29, 1993, may continue to ~~levy~~ levy those fees until 3315
the district abolishes them under division (D) of this section, 3316
the director issues an order under division (F) of this section 3317
requiring the district to cease levying the fees, or the 3318
district obtains approval of its own plan under section 3734.521 3319
or 3734.56 of the Revised Code and collection of the fees 3320
established in the approved plan commences in accordance with 3321
division (B) of section 3734.57 of the Revised Code. 3322

(2) A county or joint solid waste management district that 3323
is levying fees under division (B) of section 3734.57 of the 3324
Revised Code or division (A) of section 3734.573 of the Revised 3325
Code under an initial or amended solid waste management plan 3326
approved under section 3734.521, 3734.55, or 3734.56 of the 3327
Revised Code when the director issues an order under division 3328
(D) ~~or (F)~~ of section 3734.521 of the Revised Code or division 3329
(A) or (B) of section 3734.56 of the Revised Code requiring the 3330
district to implement an amended plan prepared by the director, 3331
may continue to levy those fees until the district abolishes 3332
them under division (D) of this section, the director issues an 3333
order under division (F) of this section requiring the district 3334
to cease levying the fees, or the district obtains approval of 3335
its own plan or amended plan under section 3734.521 or 3734.56 3336
of the Revised Code and collection of the fees established in 3337

the approved plan or amended plan commences in accordance with 3338
division (B) of section 3734.57 of the Revised Code. 3339

(B) The solid waste management policy committee of a 3340
county or joint district described in division (A)(1) of this 3341
section may ~~a~~levy a fee under division (A) of section 3734.573 3342
of the Revised Code by adopting and obtaining ratification of a 3343
resolution establishing the amount of the fee. The policy 3344
committee of such a district that, after December 1, 1993, 3345
concurrently proposes to levy a fee under division (A) of 3346
section 3734.573 of the Revised Code and to amend the fees that 3347
the district is levying under division (B) of section 3734.57 of 3348
the Revised Code may adopt and obtain ratification of one 3349
resolution to do both. A county or joint district that is 3350
ordered under division (D) ~~or (F)~~ of section 3734.521 of the 3351
Revised Code to implement an initial plan prepared by the 3352
director may levy fees under division (B) of section 3734.57 of 3353
the Revised Code or division (A) of section 3734.573 of the 3354
Revised Code by adopting and obtaining ratification of a 3355
resolution specifying which of the fees are to be levied and 3356
their amounts. The requirements and procedures set forth in 3357
division (B) of section 3734.57 of the Revised Code governing 3358
the adoption of resolutionslevying fees under that division, 3359
the ratification of those resolutions, and the notification of 3360
owners and operators of solid waste facilities required to 3361
collect fees under those divisions govern the adoption and 3362
ratification of resolutions levying fees under this division and 3363
the notification of owners and operators required to collect the 3364
fees levied under this division, except as otherwise 3365
specifically provided in division (C) of this section. Any such 3366
district may levy fees under this division until the district 3367
abolishes the fees under division (D) of this section, the 3368

director issues an order under division (F) of this section 3369
requiring the district to cease levying the fees, or the 3370
district obtains approval of its own plan or amended plan under 3371
section 3734.521 or 3734.56 of the Revised Code and collection 3372
of the fees established in the approved plan or amended plan 3373
commences in accordance with division (B) of section 3734.57 of 3374
the Revised Code. 3375

(C) Any resolution adopted under division (B) of this 3376
section that proposes to levy a fee under division (A) of 3377
section 3734.573 of the Revised Code that exceeds five dollars 3378
per ton shall be ratified in accordance with the provisions of 3379
division (B) of section 3734.57 of the Revised Code, except that 3380
such a resolution shall be approved by a combination of 3381
municipal corporations and townships with a combined population 3382
within the boundaries of the district comprising at least 3383
seventy-five per cent, rather than at least sixty per cent, of 3384
the total population of the district. 3385

(D) The policy committee of a county or joint district may 3386
amend fees levied by the district under division (A) or (B) of 3387
this section by adopting and obtaining ratification of a 3388
resolution establishing the proposed amount of the amended fees. 3389
The committee may abolish any of those fees or any amended fees 3390
established under this division by adopting and obtaining 3391
ratification of a resolution repealing them. A district that is 3392
proposing at the same time to amend or abolish the fees levied 3393
under divisions (A) and (B) of this section may adopt one 3394
resolution proposing the amendment or repeal of all of the fees. 3395
The requirements and procedures under division (B) and, if 3396
applicable, division (C) of this section govern the adoption and 3397
ratification of a resolution authorized to be adopted under this 3398
division and the notification of owners and operators of solid 3399

waste facilities required to collect the fees. Collection of the 3400
fees so amended or abolished commences or ceases in accordance 3401
with division (B) of section 3734.57 of the Revised Code. 3402

(E) Not later than thirty days before the beginning of 3403
each calendar quarter, the board of county commissioners or 3404
board of directors of a district that is levying fees under 3405
division (A) or (B) of this section shall submit to the director 3406
a proposed budget for the expenditure of moneys from the special 3407
fund of the district created under division (G) of section 3408
3734.57 of the Revised Code. The proposed budget shall be 3409
submitted on a form prescribed by the director. 3410

The director may disapprove in whole or in part such a 3411
proposed quarterly budget for any of the following reasons: 3412

(1) The proposed budget includes expenditures for any 3413
purpose other than those authorized under ~~divisions (G) (1) to~~ 3414
~~(10)~~ division (G) of section 3734.57 of the Revised Code; 3415

(2) The director reasonably estimates that there will be 3416
insufficient moneys in the special fund created to meet the 3417
proposed expenditures; 3418

(3) The board failed to submit the proposed budget to the 3419
director at least thirty days prior to the beginning of the 3420
calendar quarter to which it pertains; 3421

(4) The board failed to submit the latest report of 3422
quarterly expenditures from the fund that it was required to 3423
submit under section 3734.575 of the Revised Code within thirty 3424
days after the end of the calendar quarter to which it pertains; 3425

(5) The district is materially failing to comply with the 3426
implementation schedule contained in the plan or amended plan of 3427
the district prepared and ordered to be implemented under 3428

section 3734.521, 3734.55, or 3734.56 of the Revised Code; 3429

(6) There have been repeated inconsistencies between the 3430
expenditures projected in the proposed budgets submitted under 3431
division (E) of this section and actual expenditures from the 3432
fund. 3433

If the director does not disapprove a proposed quarterly 3434
budget prior to the first day of the calendar quarter to which 3435
it pertains, it is conclusively presumed that the proposed 3436
budget has not been disapproved. 3437

Nothing in division (E) of this section precludes the 3438
board of county commissioners or directors of a district from 3439
making necessary expenditures to meet unforeseen circumstances 3440
that occur during a calendar quarter that were not provided for 3441
in the proposed budget for that quarter. Prior to making any 3442
such expenditure, the board shall notify the director of the 3443
nature of the unforeseen circumstances and of the amount of the 3444
expenditure needed to meet them. The board shall include an 3445
explanation of the nature of the unforeseen circumstances and of 3446
the necessity and amount of the expenditures to meet them in the 3447
quarterly expenditure report for the quarter in which the 3448
expenditures were made that is submitted to the director under 3449
section 3734.575 of the Revised Code. 3450

(F) If the director finds that the board of county 3451
commissioners or directors of a district that is levying fees 3452
under division (A) or (B) of this section is in material and 3453
continued noncompliance with the implementation schedule 3454
contained in the plan or amended plan of the district prepared 3455
and ordered to be implemented under section 3734.521, 3734.55, 3456
or 3734.56 of the Revised Code, or if repeated whole or partial 3457
disapprovals of the proposed quarterly budgets of the district 3458

have occurred under division (E) of this section, the director 3459
may issue an order to the board terminating the collection of 3460
all of the fees levied by the district under division (A) or (B) 3461
of this section. 3462

Notwithstanding section 119.06 of the Revised Code, the 3463
director may issue an order under this division or disapprove in 3464
whole or in part a proposed budget under division (E) of this 3465
section by issuance of a final action that is effective upon 3466
issuance without the necessity to hold any adjudication hearing 3467
in connection with the order or disapproval and without the 3468
issuance of a proposed action under section 3745.07 of the 3469
Revised Code. 3470

(G) The director, in accordance with Chapter 119. of the 3471
Revised Code, may adopt, amend, suspend, and rescind such rules 3472
as the director considers to be necessary or appropriate to 3473
implement or administer this section or division (D) of section 3474
3734.55 of the Revised Code. 3475

(H) Moneys received by a district levying fees under 3476
division (A) or (B) of this section shall be credited to the 3477
special fund of the district created in division (G) of section 3478
3734.57 of the Revised Code and shall be used exclusively for 3479
the purposes set forth in ~~divisions (G) (1) to (10)~~ division (G) 3480
of that section in the manner prescribed by the solid waste 3481
management policy committee of the district by resolution and 3482
for the purposes of section 3734.551 of the Revised Code. 3483

Sec. 3745.015. There is hereby created in the state 3484
treasury the environmental protection fund consisting of money 3485
credited to the fund under division (A) (3) of section 3734.57 3486
and division (E) of section 3714.07 of the Revised Code. The 3487
environmental protection agency shall use money in the fund to 3488

pay the agency's costs associated with administering and 3489
enforcing, or otherwise conducting activities under, this 3490
chapter and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3491
3751., 3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 3492
6112., 6113., 6115., 6117., and 6119. of the Revised Code, 3493
including providing compliance assistance to small businesses. 3494

Section 2. That existing sections 343.01, 343.011, 3495
343.012, 343.022, 343.08, 3714.07, 3714.073, 3734.521, 3734.53, 3496
3734.56, 3734.57, 3734.574, and 3745.015 of the Revised Code are 3497
hereby repealed. 3498

Section 3. (A) The solid waste management policy committee 3499
of a county or joint solid waste management district may levy 3500
fees upon the following activities: 3501

(1) The disposal of construction and demolition debris and 3502
asbestos or asbestos-containing materials or products generated 3503
within the jurisdiction of the district at construction and 3504
demolition debris facilities located in an authorized county and 3505
within the district's jurisdiction and at solid waste disposal 3506
facilities located in an authorized county and within the 3507
district's jurisdiction; 3508

(2) The disposal of construction and demolition debris and 3509
asbestos or asbestos-containing materials or products generated 3510
outside of the jurisdiction of the district, but inside this 3511
state, at construction and demolition debris facilities located 3512
in an authorized county and within the district's jurisdiction 3513
and at solid waste disposal facilities located in an authorized 3514
county and within the district's jurisdiction; 3515

(3) The disposal of construction and demolition debris and 3516
asbestos or asbestos-containing materials or products generated 3517

outside the boundaries of this state at construction and 3518
demolition debris facilities located in an authorized county and 3519
within the district's jurisdiction and at solid waste disposal 3520
facilities located in an authorized county and within the 3521
jurisdiction of the district. 3522

(B) (1) Beginning on the effective date of this section and 3523
expiring one year after the effective date of this section, the 3524
fee levied under division (A) (1) of this section shall be not 3525
less than thirty-five cents per ton nor more than seventy cents 3526
per ton, the fee levied under division (A) (2) of this section 3527
shall be not less than seventy cents per ton nor more than one 3528
dollar forty cents per ton, and the fee levied under division 3529
(A) (3) of this section shall be not more than the fee levied 3530
under division (A) (1) of this section. 3531

(2) Beginning one year after the effective date of this 3532
section and expiring two years after the effective date of this 3533
section, the fee levied under division (A) (1) of this section 3534
shall be not less than seventy cents per ton nor more than one 3535
dollar forty cents per ton, the fee levied under division (A) (2) 3536
of this section shall be not less than one dollar forty cents 3537
per ton nor more than two dollars eighty cents per ton, and the 3538
fee levied under division (A) (3) of this section shall be not 3539
more than the fee levied under division (A) (1) of this section. 3540

(3) Beginning three years after the effective date of this 3541
section, such fee shall be levied in accordance with division 3542
(E) of section 3714.07 of the Revised Code. 3543

(C) The district shall establish, amend, or repeal a 3544
schedule of fees levied pursuant to this division in the same 3545
manner that applies to fees levied under division (B) of section 3546
3734.57 of the Revised Code. All procedural requirements 3547

governing the administration and collection of solid waste fees 3548
levied under divisions (A) and (B) of that section apply to the 3549
administration and collection of the construction and demolition 3550
debris fees levied under this section and collected by an owner 3551
or operator of a solid waste facility or construction and 3552
demolition debris facility. Such procedural requirements include 3553
requirements governing fee collection and accounting, filing of 3554
returns, extensions on returns, discounts, refunds or credits, 3555
the conversion rate for fee collection in cubic yards, notices, 3556
and district composition changes. Any notices required to be 3557
made pursuant to those procedural requirements to the owner or 3558
operator of a solid waste facility also shall be provided to the 3559
owner or operator of a construction and demolition debris 3560
facility for purposes of this division, when applicable. 3561

(D) (1) The solid waste management district may forward 3562
seventy-five per cent of the money received from an owner or 3563
operator of a facility under this section to the health district 3564
in which the facility is located, which shall deposit the money 3565
into the special fund established under division (A) (4) of 3566
section 3714.07 of the Revised Code to be used solely for the 3567
purposes specified in that division. If a solid waste management 3568
district does not forward money received under this division to 3569
the health district in which the facility is located, the solid 3570
waste management district shall retain that money and use it for 3571
the purposes specified in division (G) of section 3734.57 of the 3572
Revised Code. 3573

(2) The solid waste management district shall forward 3574
twenty-five per cent of the money received from an owner or 3575
operator of a facility under this division to the environmental 3576
protection agency, which shall deposit half of the money into 3577
the environmental protection fund created in section 3745.015 of 3578

the Revised Code and half of the money into the waste management 3579
fund created in section 3734.061 of the Revised Code. 3580

(3) A solid waste management district shall not levy fees 3581
under this section with respect to a construction and demolition 3582
debris facility or solid waste facility that is located in a 3583
health district that is not on the approved list under section 3584
3714.09 of the Revised Code. 3585

(E) As used in this section, "authorized county" means a 3586
county with a population between fifty-three thousand and fifty- 3587
eight thousand, according to the most recent decennial census. 3588

Section 4. Section 3734.56 of the Revised Code is 3589
presented in this act as a composite of the section as amended 3590
by both S.B. 153 and S.B. 165 of the 120th General Assembly. The 3591
General Assembly, applying the principle stated in division (B) 3592
of section 1.52 of the Revised Code that amendments are to be 3593
harmonized if reasonably capable of simultaneous operation, 3594
finds that the composite is the resulting version of the section 3595
in effect prior to the effective date of the section as 3596
presented in this act. 3597