

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 119

Senator Reineke

A BILL

To amend sections 343.01, 343.012, 3714.07, 1
3714.071, 3714.073, 3734.44, 3734.521, 3734.53, 2
3734.55, 3734.57, 3734.571, 3734.572, 3734.573, 3
and 3734.574 and to enact sections 3734.579 and 4
3734.58 of the Revised Code to make changes to 5
the laws governing the transfer and disposal of 6
solid waste and construction and demolition 7
debris, including increasing certain fees. 8

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

Section 1. That sections 343.01, 343.012, 3714.07, 9
3714.071, 3714.073, 3734.44, 3734.521, 3734.53, 3734.55, 10
3734.57, 3734.571, 3734.572, 3734.573, and 3734.574 be amended 11
and sections 3734.579 and 3734.58 of the Revised Code be enacted 12
to read as follows: 13

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

(1) Establish, by resolution, and maintain a county solid 17
waste management district under this chapter that consists of 18
all the incorporated and unincorporated territory within the 19

county except as otherwise provided in division (A) of this 20
section; 21

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

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

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

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

The agreement to establish and maintain a joint district 49
shall be ratified by resolution of the board of county 50
commissioners of each participating county. Upon ratification, 51
the board of directors shall take control of and manage the 52
joint district subject to this chapter, except that, in the case 53
of a joint district formed pursuant to division ~~(C)~~(H), ~~(D)~~(I), 54
or ~~(E)~~(J) of section 343.012 of the Revised Code, the board of 55
directors shall take control of and manage the district when the 56
formation of the district becomes final under the applicable 57
division. A majority of the board of directors constitutes a 58
quorum, and a majority vote is required for the board to act. 59

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

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

the joint district and to share in their compensation in any 80
manner that may be agreed upon. 81

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

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

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

The fiscal officer of a district shall establish a general 109

fund and any other necessary funds for the district. 110

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

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

made from the general fund or any other fund legally available 141
for that use at times that are agreed upon or as determined by 142
the board of county commissioners or directors, and the funds 143
may be reimbursed from the proceeds of bonds or notes issued to 144
pay the cost of any improvement to which the services related. 145

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

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

(2) The board of directors of a joint district may 170

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

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

(F) A board of county commissioners may issue bonds or 199
bond anticipation notes of the county to pay the cost of 200
preparing general and detailed plans and other data required for 201

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

(G) To the extent authorized by the solid waste management 215
plan of the district approved under section 3734.521 or 3734.55 216
of the Revised Code or subsequent amended plans of the district 217
approved under section 3734.521 or 3734.56 of the Revised Code, 218
the board of county commissioners of a county district or board 219
of directors of a joint district may adopt, publish, and enforce 220
rules doing any of the following: 221

(1) Prohibiting or limiting the receipt of solid wastes 222
generated outside the district or outside a service area 223
prescribed in the solid waste management plan or amended plan, 224
at facilities located within the solid waste management 225
district, consistent with the projections contained in the plan 226
or amended plan under divisions (A) (6) and (7) of section 227
3734.53 of the Revised Code. However, rules adopted by a board 228
under division (G) (1) of this section may be adopted and 229
enforced with respect to solid waste disposal facilities in the 230
solid waste management district that are not owned by a county 231
or the solid waste management district only if the board submits 232

an application to the director of environmental protection that 233
demonstrates that there is insufficient capacity to dispose of 234
all solid wastes that are generated within the district at the 235
solid waste disposal facilities located within the district and 236
the director approves the application. The demonstration in the 237
application shall be based on projections contained in the plan 238
or amended plan of the district. The director shall establish 239
the form of the application. The approval or disapproval of such 240
an application by the director is an action that is appealable 241
under section 3745.04 of the Revised Code. 242

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

combustion of primarily coal in combination with scrap tires, 415
that is not combined in any way with garbage at one or more 416
premises owned by the generator. 417

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

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

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

holding public office or employment with the commission; 445

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

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

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

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

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

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

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

(L) As used in this chapter: 515

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

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

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

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

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

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

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

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

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

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

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

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

(M) As used in this section: 603

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

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

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

Sec. 343.012. (A) As used in this section: 612

(1) "Change in district composition" and "change" have the 613
same meaning as in section 3734.521 of the Revised Code. 614

(2) "Deliver" has the same meaning as in division (G)(2) 615
of section 3734.55 of the Revised Code. 616

(B) The board of county commissioners of a county forming 617
a joint solid waste management district may initiate proceedings 618
to withdraw from the district by adopting ~~doing either of the~~ 619
following: 620

(1) If the board of county commissioners represents a 621
county that generated more than seventy-five per cent of the 622
annual revenue of the joint solid waste management district in 623

the immediately preceding calendar year, adopting a resolution 624
declaring that the county will unilaterally withdraw from the 625
district; 626

(2) If division (B) (1) does not apply, adopting a 627
resolution requesting to withdraw. ~~Upon~~ 628

(C) Upon adopting the either type of resolution, the board 629
shall deliver a copy of it to the board of directors of the 630
district. Upon receiving the resolution, the board of directors 631
shall deliver written notice of the proposed withdrawal to the 632
boards of county commissioners of the other counties forming the 633
district and to the director of environmental protection. Within 634

(D) If the board of county commissioners requests 635
withdrawal as described in division (B) (2) of this section, 636
within sixty days after receiving the notice, the other boards 637
of county commissioners each shall adopt a resolution approving 638
or disapproving the proposed withdrawal and deliver a copy of 639
the resolution to the board of directors. If any of the other 640
boards of county commissioners adopts a resolution of 641
disapproval, the board of directors shall declare the proposed 642
withdrawal to be disapproved and shall deliver written notice of 643
the disapproval to the boards of county commissioners of the 644
affected counties. If all of the other boards of county 645
commissioners adopt a resolution approving the proposed 646
withdrawal, the board of directors shall declare the withdrawal 647
to be approved and shall deliver written notice of the approval 648
to the boards of county commissioners of the affected counties. 649
The board of directors shall determine whether the withdrawal 650
has been approved or disapproved and deliver the required 651
written notice of the approval or disapproval to the boards of 652
county commissioners of the affected counties within thirty days 653

after receiving the resolutions of approval or disapproval from 654
those boards. Promptly after the approval of the withdrawal 655
under this division or, after the receipt by the board of 656
directors of a resolution declaring withdrawal under division 657
(B)(1) of this section, proceedings shall be initiated in 658
accordance with division (E) of section 3734.521 of the Revised 659
Code to effect the withdrawal. A resolution adopted under 660
division (B)(1) of this section does not require approval under 661
this division. 662

(E) A withdrawal by resolution under division (B)(1) or 663
(2) of this section becomes final on the first day of January 664
following the date on which the applicable conditions set forth 665
in division (G)(1), (2), (3), or (4) of section 3734.521 of the 666
Revised Code have been met in connection with the change in 667
district composition that involves the withdrawal. On and after 668
that first day of January, the withdrawing county ceases to be a 669
part of the joint district, its members on the board of 670
directors shall cease to be members of the board, and its power 671
to levy a tax upon taxable property to support the district 672
terminates, except that the county shall continue to levy and 673
collect any taxes levied for the payment of indebtedness of the 674
district as it was composed at the time the indebtedness was 675
incurred. Upon the withdrawal of a county from a joint district, 676
the board of directors shall ascertain, apportion, and order a 677
division of the funds on hand, credits, and real and personal 678
property of the district, either in money or in kind, on any 679
equitable basis between the district and the withdrawing county 680
consistent with the agreement to establish and maintain the 681
district entered into and ratified under division (A) of section 682
343.01 of the Revised Code and the prior contributions of the 683
withdrawing county. 684

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

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

(1) The counties that are named as members of the joint district in the solid waste management plan or amended plan of the district approved or ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code in effect when the withdrawal proceeding was initiated and that have not previously initiated proceedings under ~~division (B)~~ (B) (1) or (2) of this section to withdraw from the joint district;

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

(3) If joinder proceedings had previously been concluded under ~~division (D)~~ (I) 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 715
in those proceedings. 716

~~(C)~~ (H) The board of county commissioners of a county 717
seeking to establish a new joint district with the board of 718
county commissioners of one or more other counties may initiate 719
proceedings to do so by adopting a resolution proposing the 720
establishment of the joint district. Upon adopting the proposed 721
establishment resolution, the board shall deliver a copy of it 722
to the boards of county commissioners of the other counties to 723
be included in the proposed joint district. If the board 724
proposing the establishment also has initiated proceedings to 725
withdraw from an existing joint district under division ~~(B)~~ (B) 726
(2) of this section, the board shall not adopt ~~a resolution~~ 727
~~proposing the an establishment resolution~~ until after the 728
proposed withdrawal has been declared to be approved ~~and, upon~~ 729
under division (D) of this section. Upon adopting the proposed 730
establishment resolution, the board shall deliver a copy of the 731
written notice declaring the withdrawal to be approved under 732
that division, if applicable, to the other boards along with the 733
copy of the proposed establishment resolution ~~proposing the~~ 734
~~establishment~~. 735

Within sixty days after receiving the proposed 736
establishment resolution and, if applicable, a copy of the 737
notice of the approval of the withdrawal, each of the other 738
boards shall adopt a resolution approving or disapproving the 739
proposed establishment and deliver a copy of it to the board of 740
county commissioners proposing the establishment. However, if 741
any of the other boards also has initiated withdrawal 742
proceedings under division ~~(B)~~ (B) (2) of this section, and if the 743
withdrawal has been declared to be disapproved or has not yet 744
been declared to be approved or disapproved under ~~that~~ division 745

(D) of this section, that board need not adopt a resolution 746
concerning the proposed establishment, but shall deliver to the 747
board of county commissioners proposing the establishment a copy 748
of the written notice of the disapproval or, if the withdrawal 749
has not yet been declared to be approved or disapproved, written 750
notice of that fact. If the withdrawal has been declared to be 751
approved under division ~~(B)~~(D) of this section, the board shall 752
deliver a copy of the written notice of the approval with the 753
copy of its resolution approving or disapproving the proposed 754
establishment. If any of the other boards adopts a resolution of 755
disapproval, or if any of the other boards initiated withdrawal 756
proceedings under division ~~(B)~~(B) (2) of this section and the 757
withdrawal either has been declared to be disapproved under ~~that~~ 758
division (D) of this section or has not yet been declared to be 759
approved or disapproved under that division when the board of 760
county commissioners so notified the board of county 761
commissioners proposing the establishment, the board of county 762
commissioners proposing the establishment shall declare the 763
proposed establishment to be disapproved and shall deliver 764
written notice of the disapproval to the other boards. If all of 765
the other boards adopt a resolution approving the establishment, 766
and, if any of the other boards initiated ~~such~~ withdrawal 767
proceedings under division (B) (2) of this section, the 768
withdrawal already has been declared to be approved under ~~that~~ 769
division (D) of this section when the board of county 770
commissioners delivered the resolution approving the 771
establishment to the board of county commissioners proposing the 772
establishment, the board that initiated the proceedings shall 773
declare the establishment to be approved and shall deliver 774
written notice of the approval to the other boards. The board of 775
county commissioners that initiated the proceedings shall 776
determine whether the establishment has been approved or 777

disapproved and deliver the required written notice of the 778
approval or disapproval to the other boards within thirty days 779
after receiving the resolutions of approval or disapproval from 780
the other boards or being otherwise notified by them in 781
accordance with this division. 782

Promptly after the approval of the establishment, the 783
boards shall enter into and ratify an agreement to form the 784
joint district under division (A) of section 343.01 of the 785
Revised Code, and proceedings shall be initiated under section 786
3734.521 of the Revised Code to effect the establishment of the 787
joint district. The establishment of the joint district becomes 788
final when the applicable conditions set forth in division (G) 789
(1), (2), (3), or (4) and, if appropriate, division (H) of 790
section 3734.521 of the Revised Code have been met in connection 791
with the change in district composition that involves the 792
establishment. On the date that the establishment becomes final, 793
the boards of county commissioners of the counties establishing 794
the joint district collectively constitute the board of 795
directors of the joint district, except that if a county with a 796
legislative authority other than a board of county commissioners 797
participates in the joint district, it shall be represented on 798
the board of directors by three persons appointed by the 799
legislative authority of the county. 800

~~(D)~~ (I) The board of county commissioners of a county may 801
initiate proceedings to join an existing joint district by 802
adopting a resolution requesting membership in the joint 803
district. Upon adoption of the joinder resolution, the board 804
shall deliver a copy of it to the board of directors of the 805
joint district. If the board of county commissioners proposing 806
the joinder also has initiated proceedings to withdraw from an 807
existing joint district under division ~~(B)~~ (B) (2) of this 808

section, the board shall not adopt a resolution proposing the 809
joinder until after the withdrawal has been declared to be 810
approved under ~~that division and, upon~~ (D) of this section. Upon 811
adopting the resolution, the board shall deliver a copy of the 812
written notice declaring the withdrawal to be approved under 813
that division, if applicable, to the board of directors of the 814
joint district along with the resolution proposing the joinder. 815
Upon receiving the joinder resolution and, if applicable, a copy 816
of the notice of the approval of the withdrawal, the board of 817
directors shall deliver notice of the proposed joinder to the 818
boards of county commissioners of the counties forming the 819
existing joint district. ~~Within~~ 820

Within sixty days after receiving the notice of the 821
proposed joinder, each such board shall adopt a resolution 822
approving or disapproving the joinder and shall deliver a copy 823
of the resolution to the board of directors. If the board of 824
county commissioners of any of the counties forming the existing 825
joint district adopts a resolution of disapproval or if any of 826
the counties that are members of the existing joint district had 827
initiated a withdrawal from it under division ~~(B)~~ (B) (2) of this 828
section that had not yet been declared to be approved or 829
disapproved under ~~that division~~ (D) of this section when the 830
board of county commissioners delivered their resolutions 831
approving or disapproving the joinder to the board of directors, 832
the board of directors shall declare the proposed joinder to be 833
disapproved and shall deliver written notice of the disapproval 834
to the affected boards of county commissioners. If the board of 835
county commissioners of each county forming the existing joint 836
district adopts a resolution approving the proposed joinder and, 837
if any of the counties that are members of the existing joint 838
district has initiated a withdrawal from it under division ~~(B)~~ 839

(B) (2) of this section, ~~and~~ the withdrawal has been declared to 840
be approved or disapproved under ~~that~~ division (D) of this 841
section, the board of directors shall declare the joinder to be 842
approved and shall deliver written notice of the approval to the 843
affected boards of county commissioners. The board of directors 844
shall determine whether the joinder has been approved or 845
disapproved and deliver the required written notice of the 846
approval or disapproval to the boards of county commissioners of 847
the affected counties within thirty days after receiving the 848
resolutions of approval or disapproval from the boards of county 849
commissioners of the counties forming the existing joint 850
district. 851

Promptly after the approval of the joinder, the affected 852
boards shall enter into and ratify an agreement under division 853
(A) of section 343.01 of the Revised Code to join the county to 854
the joint district, and proceedings shall be initiated in 855
accordance with section 3734.521 of the Revised Code to effect 856
the joinder. The joinder becomes final when the applicable 857
conditions set forth in division (G) (1), (2), (3), or (4) and, 858
if appropriate, division (H) of section 3734.521 of the Revised 859
Code have been met in connection with the change in district 860
composition that involves the joinder. When the joinder becomes 861
final, the board of county commissioners of the joining county 862
or three members appointed by its legislative authority, if 863
other than a board of county commissioners, shall be added to 864
the board of directors of the joint district. If one or more 865
counties withdrew from the existing joint district in connection 866
with the change that involved the joinder, the members of the 867
board of directors of the existing joint district from the 868
counties that withdrew shall cease to serve as members of the 869
board of directors on the date that the change becomes final. 870

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

(1) The counties that are named as members of the joint
district in the solid waste management plan or amended plan of
the district approved or ordered to be implemented under section
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when
the joinder proceeding was initiated and that have not initiated
proceedings to withdraw from the joint district under division
~~(B)~~(B) (1) or (2) of this section;

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

(3) If joinder proceedings had previously been concluded
under this division 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.

~~(E)~~(J) The board of directors of a joint district may
initiate proceedings for the union of the district with another
joint district by adopting a resolution requesting the union. If
the joint district whose board of directors is requesting the
union is affected by a withdrawal proceeding initiated under
division ~~(B)~~(B) (2) of this section, the board of directors shall
not adopt a resolution requesting the union until after it has
declared the proposed withdrawal to be approved or disapproved
under division ~~(B)~~(D) of this section. Upon adoption of the
union resolution, the board shall deliver a copy of it to the
board of directors of the joint district with which the union is
proposed. Within thirty days after receiving the union
resolution, the board of directors of the other joint district

shall deliver written notice to the board of directors 901
requesting the union as to whether the other joint district is 902
affected by a withdrawal proceeding initiated under division (B) 903
(2) of this section. If the other district is so affected, its 904
board of directors shall deliver with the notice a copy of the 905
resolution proposing the withdrawal and a copy of the written 906
notice declaring the withdrawal to be approved or disapproved 907
under division ~~(B)~~(D) of this section or, if the withdrawal has 908
not yet been declared to be approved or disapproved, written 909
notice of that fact. If the board of directors of the other 910
district declares such a withdrawal to be approved or 911
disapproved within sixty days after the board of directors that 912
requested the union delivered copies of the resolution 913
requesting the union to the boards of county commissioners of 914
the counties forming the existing joint districts, the board of 915
directors of the other district shall deliver written notice of 916
the approval or disapproval of the withdrawal to the board of 917
directors that requested the union. 918

Within thirty days after receiving from the board of 919
directors of the other joint district the written notice as to 920
whether that district is affected by a withdrawal proceeding, 921
the board of directors requesting the union shall deliver a copy 922
of the resolution requesting the union to the boards of county 923
commissioners of the counties forming the existing joint 924
districts. Within sixty days after receiving the resolution, 925
each such board of county commissioners shall adopt a resolution 926
approving or disapproving the union and deliver a copy of it to 927
the board of directors that requested the union. If the board of 928
county commissioners of any of the counties forming the existing 929
joint districts adopts a resolution of disapproval or if any of 930
the joint districts is affected by a withdrawal from it 931

initiated under division ~~(B)~~ (B) (2) of this section that had not 932
yet been declared to be approved or disapproved under ~~that~~ 933
division (D) of this section when the board of county 934
commissioners proposing the withdrawal delivered its resolution 935
approving or disapproving the proposed union to the board of 936
directors, the board of directors shall declare the union to be 937
disapproved and shall deliver written notice of the disapproval 938
to the board of county commissioners of each of the affected 939
counties. If the boards of county commissioners of all of the 940
counties forming the existing joint districts adopt resolutions 941
approving the proposed union and, if any of the joint districts 942
is affected by a withdrawal proceeding initiated under division 943
~~(B)~~ (B) (2) of this section, the withdrawal had already been 944
declared to be approved or disapproved under ~~that~~ division (D) 945
of this section when the board of county commissioners of the 946
counties forming the existing joint districts delivered their 947
resolutions approving the proposed union to the board of 948
directors, the board of directors shall declare the union to be 949
approved and shall deliver written notice of that fact to the 950
affected boards of county commissioners. The board of directors 951
shall determine whether the union has been approved or 952
disapproved and deliver the required written notices of the 953
approval or disapproval to the boards of county commissioners of 954
the counties forming the existing joint districts within thirty 955
days after receiving the resolutions of approval or disapproval 956
from those boards of county commissioners. 957

Promptly after the approval of the union, the boards of 958
county commissioners of the affected counties shall enter into 959
and ratify an agreement under division (A) of section 343.01 of 960
the Revised Code to unite the districts, and proceedings shall 961
be initiated in accordance with section 3734.521 of the Revised 962

Code to effect the union. The union becomes final when the 963
applicable conditions set forth in division (G) (1), (2), (3), or 964
(4) and, if appropriate, division (H) of section 3734.521 of the 965
Revised Code have been met in connection with the change in 966
district composition that involves the union. On the date that 967
the union becomes final, the boards of directors of the former 968
joint districts collectively constitute the board of directors 969
of the united district, except that if one or more counties were 970
joined to any of the existing joint districts in connection with 971
the change in district composition that involved the union, the 972
board of county commissioners or three members appointed by its 973
legislative authority, if other than a board of county 974
commissioners, shall be added to the board of directors of the 975
united district, and except that if one or more counties 976
withdrew from any of the existing joint districts in connection 977
with the change in district composition that involved the union, 978
the board of directors shall not include members from the 979
counties that withdrew from the former joint districts. 980

For the purposes of this division, "counties forming the 981
existing joint districts" includes only the following: 982

(1) The counties that are named as members of one of the 983
joint districts affected by the proposed union in the solid 984
waste management plan or amended plan of the appropriate 985
district approved or ordered to be implemented under section 986
3734.521, 3734.55, or 3734.56 of the Revised Code in effect when 987
the union proceeding was initiated and that have not initiated 988
proceedings under division ~~(B)~~ (B) (1) or (2) of this section to 989
withdraw from the joint districts of which they were members on 990
that date; 991

(2) Any county named as a member of a joint district 992

affected by the proposed union in any such plan or amended plan 993
that has initiated a withdrawal under division ~~(D)~~ (B) (2) of this 994
section that has been declared to be disapproved under that 995
division; 996

(3) If joinder proceedings previously had been concluded 997
under division ~~(D)~~ (I) of this section to join a county to an 998
existing joint district affected by the proposed union, any 999
county whose joinder to the existing joint district was declared 1000
to be approved in that proceeding. 1001

Sec. 3714.07. (A) (1) For the purpose of assisting boards 1002
of health and the environmental protection agency in 1003
administering and enforcing this chapter and rules adopted under 1004
it, there is hereby levied a fee of ~~thirty-one dollar and~~ 1005
thirty-two cents per cubic yard or ~~sixty-two dollars and sixty-~~ 1006
four cents per ton, as applicable, on both of the following: 1007

(a) The disposal of construction and demolition debris at 1008
a construction and demolition debris facility that is licensed 1009
under this chapter or at a solid waste facility that is licensed 1010
under Chapter 3734. of the Revised Code; 1011

(b) The disposal of asbestos or asbestos-containing 1012
materials or products at a construction and demolition debris 1013
facility that is licensed under this chapter or at a solid waste 1014
facility that is licensed under Chapter 3734. of the Revised 1015
Code. 1016

(2) The owner or operator of a construction and demolition 1017
debris facility or a solid waste facility shall determine if 1018
cubic yards or tons will be used as the unit of measurement. If 1019
basing the fee on cubic yards, the owner or operator shall 1020
utilize either the maximum cubic yard capacity of the container, 1021

or the hauling volume of the vehicle, that transports the 1022
construction and demolition debris to the facility or the cubic 1023
yards actually logged for disposal by the owner or operator in 1024
accordance with rules adopted under section 3714.02 of the 1025
Revised Code. If basing the fee on tonnage, the owner or 1026
operator shall use certified scales to determine the tonnage of 1027
construction and demolition debris that is disposed of. 1028

(3) The owner or operator of a construction and demolition 1029
debris facility or a solid waste facility shall calculate the 1030
amount of money generated from the fee levied under division (A) 1031
(1) of this section and shall hold that amount as a trustee for 1032
the health district having jurisdiction over the facility, if 1033
that district is on the approved list under section 3714.09 of 1034
the Revised Code, or for the state. The owner or operator shall 1035
prepare and file with the appropriate board of health or the 1036
director of environmental protection monthly returns indicating 1037
the total volume or weight, as applicable, of construction and 1038
demolition debris and asbestos or asbestos-containing materials 1039
or products disposed of at the facility and the total amount of 1040
money generated during that month from the fee levied under 1041
division (A)(1) of this section on the disposal of construction 1042
and demolition debris and asbestos or asbestos-containing 1043
materials or products. Not later than thirty days after the last 1044
day of the month to which the return applies, the owner or 1045
operator shall mail to the board of health or the director the 1046
return for that month together with the amount of money 1047
calculated under division (A)(3) of this section on the disposal 1048
of construction and demolition debris and asbestos or asbestos- 1049
containing materials or products during that month or may submit 1050
the return and money electronically in a manner approved by the 1051
director. The owner or operator may request, in writing, an 1052

extension of not more than thirty days after the last day of the 1053
month to which the return applies. A request for extension may 1054
be denied. If the owner or operator submits the money late, the 1055
owner or operator shall pay a penalty of ten per cent of the 1056
amount of the money due for each month that it is late. 1057

(4) Of the money that is submitted by a construction and 1058
demolition debris facility or a solid waste facility on a per 1059
cubic yard or per ton basis under this section, a board of 1060
health shall transmit three cents per cubic yard or six cents 1061
per ton, as applicable, to the director not later than forty- 1062
five days after the receipt of the money. The money retained by 1063
a board of health under this section shall be paid into a 1064
special fund, which is hereby created in each health district, 1065
and used solely for the following purposes: 1066

(a) To administer and enforce this chapter and rules 1067
adopted under it; 1068

(b) To abate abandoned accumulations of construction and 1069
demolition debris as provided in section 3714.074 of the Revised 1070
Code. 1071

The director shall transmit all money received under this 1072
section to the treasurer of state to be deposited in the state 1073
treasury to the credit of the waste management fund created in 1074
section 3734.061 of the Revised Code. 1075

(B) The board of health of a health district or the 1076
director may enter into an agreement with the owner or operator 1077
of a construction and demolition debris facility or a solid 1078
waste facility for the quarterly payment of money generated from 1079
the disposal fee as calculated in division (A) (3) of this 1080
section. The board of health shall notify the director of any 1081

such agreement. Not later than forty-five days after receipt of 1082
the quarterly payment, the board of health shall transmit the 1083
amount established in division (A) (4) of this section to the 1084
director. The money retained by the board of health shall be 1085
deposited in the special fund of the district as required under 1086
that division. Upon receipt of the money from a board of health, 1087
the director shall transmit the money to the treasurer of state 1088
to be credited to the waste management fund. 1089

(C) If a construction and demolition debris facility or a 1090
solid waste facility is located within the territorial 1091
boundaries of a municipal corporation or the unincorporated area 1092
of a township, the municipal corporation or township may 1093
appropriate up to four cents per cubic yard or up to eight cents 1094
per ton of the disposal fee required to be paid by the facility 1095
under division (A) (1) of this section for the same purposes that 1096
a municipal corporation or township may levy a fee under 1097
division (C) of section 3734.57 of the Revised Code. 1098

The legislative authority of the municipal corporation or 1099
township may appropriate the money from the fee by enacting an 1100
ordinance or adopting a resolution establishing the amount of 1101
the fee to be appropriated. Upon doing so, the legislative 1102
authority shall mail a certified copy of the ordinance or 1103
resolution to the board of health of the health district in 1104
which the construction and demolition debris facility or the 1105
solid waste facility is located or, if the facility is located 1106
in a health district that is not on the approved list under 1107
section 3714.09 of the Revised Code, to the director. Upon 1108
receipt of the copy of the ordinance or resolution and not later 1109
than forty-five days after receipt of money generated from the 1110
fee, the board or the director, as applicable, shall transmit to 1111
the treasurer or other appropriate officer of the municipal 1112

corporation or clerk of the township that portion of the money 1113
generated from the disposal fee by the owner or operator of the 1114
facility that is required by the ordinance or resolution to be 1115
paid to that municipal corporation or township. 1116

Money received by the treasurer or other appropriate 1117
officer of a municipal corporation under this division shall be 1118
paid into the general fund of the municipal corporation. Money 1119
received by the clerk of a township under this division shall be 1120
paid into the general fund of the township. The treasurer or 1121
other officer of the municipal corporation or the clerk of the 1122
township, as appropriate, shall maintain separate records of the 1123
money received under this division. 1124

The legislative authority of a municipal corporation or 1125
township may cease appropriating money under this division by 1126
repealing the ordinance or resolution that was enacted or 1127
adopted under this division. 1128

The director shall adopt rules in accordance with Chapter 1129
119. of the Revised Code establishing requirements for prorating 1130
the amount of the fee that may be appropriated under this 1131
division by a municipal corporation or township in which only a 1132
portion of a construction and demolition debris facility is 1133
located within the territorial boundaries of the municipal 1134
corporation or township. 1135

(D) The board of county commissioners of a county in which 1136
a construction and demolition debris facility or a solid waste 1137
facility is located may appropriate up to three cents per cubic 1138
yard or up to six cents per ton of the disposal fee required to 1139
be paid by the facility under division (A)(1) of this section 1140
for the same purposes that a solid waste management district may 1141
levy a fee under division (B) of section 3734.57 of the Revised 1142

Code. 1143

The board of county commissioners may appropriate the 1144
money from the fee by adopting a resolution establishing the 1145
amount of the fee to be appropriated. Upon doing so, the board 1146
of county commissioners shall mail a certified copy of the 1147
resolution to the board of health of the health district in 1148
which the construction and demolition debris facility or the 1149
solid waste facility is located or, if the facility is located 1150
in a health district that is not on the approved list under 1151
section 3714.09 of the Revised Code, to the director. Upon 1152
receipt of the copy of the resolution and not later than forty- 1153
five days after receipt of money generated from the fee, the 1154
board of health or the director, as applicable, shall transmit 1155
to the treasurer of the county that portion of the money 1156
generated from the disposal fee by the owner or operator of the 1157
facility that is required by the resolution to be paid to that 1158
county. 1159

Money received by a county treasurer under this division 1160
shall be paid into the general fund of the county. The county 1161
treasurer shall maintain separate records of the money received 1162
under this division. 1163

A board of county commissioners may cease appropriating 1164
money under this division by repealing the resolution that was 1165
adopted under this division. 1166

(E) (1) This section does not apply to the disposal of 1167
construction and demolition debris at a solid waste facility 1168
that is licensed under Chapter 3734. of the Revised Code if 1169
there is no construction and demolition debris facility licensed 1170
under this chapter within thirty-five miles of the solid waste 1171
facility as determined by a facility's property boundaries. 1172

(2) This section does not apply to the disposal of 1173
construction and demolition debris at a solid waste facility 1174
that is licensed under Chapter 3734. of the Revised Code if the 1175
owner or operator of the facility chooses to collect fees on the 1176
disposal of the construction and demolition debris and asbestos 1177
or asbestos-containing materials or products that are identical 1178
to the fees that are collected under Chapters 343. and 3734. of 1179
the Revised Code on the disposal of solid wastes at that 1180
facility. 1181

(3) This section does not apply to the disposal of source 1182
separated materials that are exclusively composed of reinforced 1183
or nonreinforced concrete, asphalt, clay tile, building or 1184
paving brick, or building or paving stone at a construction and 1185
demolition debris facility that is licensed under this chapter 1186
when either of the following applies: 1187

(a) The materials are placed within the limits of 1188
construction and demolition debris placement at the facility as 1189
specified in the license issued to the facility under section 1190
3714.06 of the Revised Code, are not placed within the unloading 1191
zone of the facility, and are used as a fire prevention measure 1192
in accordance with rules adopted by the director under section 1193
3714.02 of the Revised Code. 1194

(b) The materials are not placed within the unloading zone 1195
of the facility or within the limits of construction and 1196
demolition debris placement at the facility as specified in the 1197
license issued to the facility under section 3714.06 of the 1198
Revised Code, but are used as fill material, either alone or in 1199
conjunction with clean soil, sand, gravel, or other clean 1200
aggregates, in legitimate fill operations for construction 1201
purposes at the facility or to bring the facility up to a 1202

consistent grade. 1203

Sec. 3714.071. (A) For the purpose of funding and 1204
conducting ground water monitoring at construction and 1205
demolition debris facilities by boards of health of health 1206
districts that are on the approved list under section 3714.09 of 1207
the Revised Code and the director of environmental protection, 1208
the director may adopt rules under Chapter 119. of the Revised 1209
Code for the purpose of levying a fee of not more than ~~five-~~ 1210
twenty-two cents per cubic yard or ~~ten-forty-four~~ cents per ton 1211
on the disposal of construction and demolition debris at a 1212
construction and demolition debris facility that is licensed 1213
under this chapter. Such a fee shall be in addition to the fee 1214
that is levied under section 3714.07 of the Revised Code. If the 1215
director adopts rules under this section establishing a fee on 1216
the disposal of construction and demolition debris at a 1217
construction and demolition debris facility, the rules shall be 1218
subject to review every five years by the joint committee on 1219
agency rule review. 1220

The owner or operator of a construction and demolition 1221
debris facility shall collect the fee levied under rules adopted 1222
under this section as a trustee for the health district having 1223
jurisdiction over the facility, if that district is on the 1224
approved list under section 3714.09 of the Revised Code, or for 1225
the state. The owner or operator shall collect and remit the fee 1226
in the same manner that the fee levied under section 3714.07 of 1227
the Revised Code is collected and remitted. 1228

The money collected by a board of health under this 1229
section shall be paid into a special fund, which is hereby 1230
created in each health district, and used solely to fund and 1231
conduct ground water monitoring at construction and demolition 1232

debris facilities within the health district as specified in 1233
division (B) of this section. Of the money that is collected, a 1234
board of health shall transmit eighty per cent of the money 1235
received from the owner or operator of a facility under this 1236
section to the director not later than forty-five days after the 1237
receipt of the money. 1238

The director shall transmit all money received under this 1239
section to the treasurer of state to be credited to the 1240
construction and demolition debris facility ground water 1241
monitoring fund, which is hereby created in the state treasury. 1242
The director shall administer the fund and shall use money 1243
credited to it solely for the purposes specified in division (B) 1244
of this section. 1245

(B) A board of health or the director, as applicable, 1246
shall conduct ground water monitoring at construction and 1247
demolition debris facilities in accordance with this section. In 1248
order to conduct the monitoring, the board or director, as 1249
applicable, shall pay for the installation of ground water 1250
monitoring wells, ground water sampling, and the laboratory 1251
analysis of the ground water samples at a construction and 1252
demolition debris facility in accordance with either of the 1253
following, as applicable: 1254

(1) If the facility is operating before April 15, 2005, 1255
and the facility has not had ground water monitoring wells 1256
installed and operating before that date, the board of health or 1257
director, as applicable, shall pay the cost of the installation 1258
of one or more ground water monitoring wells and the annual 1259
sampling and laboratory analysis of the ground water at the 1260
facility. 1261

(2) If the facility is operating before April 15, 2005, 1262

and the facility has had one or more ground water monitoring 1263
wells installed and operating before that date, the board of 1264
health or director, as applicable, shall pay the cost of the 1265
installation of one or more additional ground water monitoring 1266
wells and the annual sampling and laboratory analysis of the 1267
ground water at the facility that exceeds the facility's annual 1268
cost of ground water monitoring certified under division (C) of 1269
this section by the owner or operator of the facility. 1270

A board of health or the director, as applicable, shall 1271
not pay any costs under this section for the installation of 1272
ground water monitoring wells, ground water sampling, or the 1273
laboratory analysis of ground water samples incurred by a 1274
construction and demolition debris facility to comply with rules 1275
adopted under section 3714.02 of the Revised Code or a permit to 1276
install issued under section 3714.051 of the Revised Code. 1277

(C) For purposes of division (B) (2) of this section, the 1278
owner or operator of a construction and demolition debris 1279
facility that is operating before April 15, 2005, and that has 1280
had ground water monitoring wells installed and has incurred 1281
monitoring costs before that date shall retain for three years 1282
all documents evidencing the cost of the ground water 1283
monitoring. If the board or director, as applicable, requests 1284
documents evidencing the cost of the ground water monitoring, 1285
the owner or operator of the facility shall certify to the board 1286
or director, as applicable, the annual cost of ground water 1287
monitoring at the facility. 1288

(D) A board of health or the director, as applicable, 1289
shall determine the priority of purchases for ground water 1290
monitoring and the payment of the costs of conducting monitoring 1291
of ground water as provided in division (B) of this section. 1292

However, a board of health or the director, as applicable, shall 1293
not purchase ground water monitoring wells or pay the costs of 1294
conducting monitoring of ground water if the applicable fund 1295
does not have sufficient money to pay those costs. The director 1296
shall consult with boards of health to determine the priority of 1297
ground water monitoring at construction and demolition debris 1298
facilities that are licensed under this chapter. 1299

(E) The director may adopt rules in accordance with 1300
Chapter 119. of the Revised Code that are necessary to 1301
administer this section. 1302

(F) A board of health or the director, as applicable, may 1303
enter into contracts for the purpose of conducting ground water 1304
monitoring that is required in this section. 1305

Sec. 3714.073. (A) In addition to the fee levied under 1306
division (A) (1) of section 3714.07 of the Revised Code, 1307
beginning July 1, 2005, there is hereby levied on the disposal 1308
of construction and demolition debris at a construction and 1309
demolition debris facility that is licensed under this chapter 1310
or at a solid waste facility that is licensed under Chapter 1311
3734. of the Revised Code and on the disposal of asbestos or 1312
asbestos-containing materials or products at a construction and 1313
demolition debris facility that is licensed under this chapter 1314
or at a solid waste facility that is licensed under Chapter 1315
3734. of the Revised Code the following fees: 1316

(1) A fee of ~~twelve and one half~~ fifty-five cents per 1317
cubic yard or ~~twenty-five~~ one dollar and ten cents per ton, as 1318
applicable, the proceeds of which shall be deposited in the 1319
state treasury to the credit of the soil and water conservation 1320
district assistance fund created in section 940.15 of the 1321
Revised Code; 1322

(2) A fee of ~~thirty-seven and one-half~~ one dollar and 1323
fifty-five cents per cubic yard or ~~seventy-five~~ three dollars 1324
and ten cents per ton, as applicable, the proceeds of which 1325
shall be deposited in the state treasury to the credit of the 1326
recycling and litter prevention fund created in section 3736.03 1327
of the Revised Code; 1328

(3) A fee of eleven cents per cubic yard or twenty-two 1329
cents per ton, as applicable, the proceeds of which shall be 1330
deposited in the state treasury to the credit of the waste 1331
management fund created in section 3734.061 of the Revised Code. 1332

(B) The owner or operator of a construction and demolition 1333
debris facility or a solid waste facility, as a trustee of the 1334
state, shall calculate the amount of money generated from the 1335
fees levied under this section and remit the money from the fees 1336
in the manner that is established in divisions (A) (2) and (3) of 1337
section 3714.07 of the Revised Code for the fee that is levied 1338
under division (A) (1) of that section and may enter into an 1339
agreement for the quarterly payment of money generated from the 1340
fees in the manner established in division (B) of that section 1341
for the quarterly payment of money generated from the fee that 1342
is levied under division (A) (1) of that section. 1343

(C) The amount of money that is calculated by the owner or 1344
operator of a construction and demolition debris facility or a 1345
solid waste facility and remitted to a board of health or the 1346
director of environmental protection, as applicable, pursuant to 1347
this section shall be transmitted by the board or director to 1348
the treasurer of state not later than forty-five days after the 1349
receipt of the money to be credited to the soil and water 1350
conservation district assistance fund or the recycling and 1351
litter prevention fund, as applicable. 1352

(D) This section does not apply to the disposal of 1353
construction and demolition debris at a solid waste facility 1354
that is licensed under Chapter 3734. of the Revised Code if the 1355
owner or operator of the facility chooses to collect fees on the 1356
disposal of the construction and demolition debris and asbestos 1357
or asbestos-containing materials or products that are identical 1358
to the fees that are collected under Chapters 343. and 3734. of 1359
the Revised Code on the disposal of solid wastes at that 1360
facility. 1361

(E) This section does not apply to the disposal of source 1362
separated materials that are exclusively composed of reinforced 1363
or nonreinforced concrete, asphalt, clay tile, building or 1364
paving brick, or building or paving stone at a construction and 1365
demolition debris facility that is licensed under this chapter 1366
when either of the following applies: 1367

(1) The materials are placed within the limits of 1368
construction and demolition debris placement at the facility as 1369
specified in the license issued to the facility under section 1370
3714.06 of the Revised Code, are not placed within the unloading 1371
zone of the facility, and are used as a fire prevention measure 1372
in accordance with rules adopted by the director under section 1373
3714.02 of the Revised Code. 1374

(2) The materials are not placed within the unloading zone 1375
of the facility or within the limits of construction and 1376
demolition debris placement at the facility as specified in the 1377
license issued to the facility under section 3714.06 of the 1378
Revised Code, but are used as fill material, either alone or in 1379
conjunction with clean soil, sand, gravel, or other clean 1380
aggregates, in legitimate fill operations for construction 1381
purposes at the facility or to bring the facility up to a 1382

consistent grade. 1383

Sec. 3734.44. Notwithstanding the provisions of any law to 1384
the contrary and except as provided in division (F) of this 1385
section, no permit or license shall be issued or renewed by the 1386
director of environmental protection or a board of health: 1387

(A) Unless the director or the board of health finds that 1388
the applicant, in any prior performance record in the 1389
transportation, transfer, treatment, storage, or disposal of 1390
solid wastes, infectious wastes, or hazardous waste, has 1391
exhibited sufficient reliability, expertise, and competency to 1392
operate the solid waste, infectious waste, or hazardous waste 1393
facility, given the potential for harm to human health and the 1394
environment that could result from the irresponsible operation 1395
of the facility, or, if no prior record exists, that the 1396
applicant is likely to exhibit that reliability, expertise, and 1397
competence; 1398

(B) If any individual or business concern required to be 1399
listed in the disclosure statement or shown to have a beneficial 1400
interest in the business of the applicant or the permittee, 1401
other than an equity interest or debt liability, by the 1402
investigation thereof, has been convicted of any of the 1403
following crimes under the laws of this state or equivalent laws 1404
of any other jurisdiction: 1405

(1) Murder; 1406

(2) Kidnapping; 1407

(3) Gambling; 1408

(4) Robbery; 1409

(5) Bribery; 1410

(6) Extortion;	1411
(7) Criminal usury;	1412
(8) Arson;	1413
(9) Burglary;	1414
(10) Theft and related crimes;	1415
(11) Forgery and fraudulent practices;	1416
(12) Fraud in the offering, sale, or purchase of securities;	1417 1418
(13) Alteration of motor vehicle identification numbers;	1419
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	1420 1421
(15) Unlawful possession or use of destructive devices or explosives;	1422 1423
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	1424 1425 1426 1427 1428 1429 1430
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	1431 1432
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	1433 1434
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or	1435 1436

regulations that is committed knowingly or recklessly, as 1437
defined in section 2901.22 of the Revised Code; 1438

(20) A violation of any provision of Chapter 2909. of the 1439
Revised Code; 1440

(21) Any offense specified in Chapter 2921. of the Revised 1441
Code. 1442

(C) Notwithstanding division (B) of this section, no 1443
applicant shall be denied the issuance or renewal of a permit or 1444
license on the basis of a conviction of any individual or 1445
business concern required to be listed in the disclosure 1446
statement or shown to have a beneficial interest in the business 1447
of the applicant or the permittee, other than an equity interest 1448
or debt liability, by the investigation thereof for any of the 1449
offenses enumerated in that division as disqualification 1450
criteria if that applicant has affirmatively demonstrated 1451
rehabilitation of the individual or business concern by a 1452
preponderance of the evidence. If any such individual was 1453
convicted of any of the offenses so enumerated that are 1454
felonies, a permit shall be denied unless five years have 1455
elapsed since the individual was fully discharged from 1456
imprisonment and parole for the offense, from a community 1457
control sanction imposed under section 2929.15 of the Revised 1458
Code, from a post-release control sanction imposed under section 1459
2967.28 of the Revised Code for the offense, or imprisonment, 1460
probation, and parole for an offense that was committed prior to 1461
July 1, 1996. In determining whether an applicant has 1462
affirmatively demonstrated rehabilitation, the director or the 1463
board of health shall request a recommendation on the matter 1464
from the attorney general and shall consider and base the 1465
determination on the following factors: 1466

(1) The nature and responsibilities of the position a convicted individual would hold;	1467 1468
(2) The nature and seriousness of the offense;	1469
(3) The circumstances under which the offense occurred;	1470
(4) The date of the offense;	1471
(5) The age of the individual when the offense was committed;	1472 1473
(6) Whether the offense was an isolated or repeated incident;	1474 1475
(7) Any social conditions that may have contributed to the offense;	1476 1477
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	1478 1479 1480 1481 1482 1483
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an	1484 1485 1486 1487 1488 1489 1490 1491 1492 1493 1494

antitrust compliance auditing program to help ensure full 1495
compliance with applicable antitrust laws. The business concern 1496
shall prove by a preponderance of the evidence that the 1497
management controls are effective in preventing the violations 1498
that are the subject of concern. 1499

(D) Unless the director or the board of health finds that 1500
the applicant ~~has a~~ demonstrates all of the following: 1501

(1) A history of compliance with environmental laws in 1502
this state and other jurisdictions ~~and is;~~ 1503

(2) That the applicant is presently in substantial 1504
compliance with, or on a legally enforceable schedule that will 1505
result in compliance with, environmental laws in this state and 1506
other jurisdictions; 1507

(3) Regarding an application for a license or permit for a 1508
new solid waste facility or for an expansion of an existing 1509
solid waste facility, the facility or expansion will benefit the 1510
public and serve the public convenience and necessity. 1511

(E) With respect to the approval of a permit, if the 1512
director determines that current prosecutions or pending charges 1513
in any jurisdiction for any of the offenses enumerated in 1514
division (B) of this section against any individual or business 1515
concern required to be listed in the disclosure statement or 1516
shown by the investigation to have a beneficial interest in the 1517
business of the applicant other than an equity interest or debt 1518
liability are of such magnitude that they prevent making the 1519
finding required under division (A) of this section, provided 1520
that at the request of the applicant or the individual or 1521
business concern charged, the director shall defer decision upon 1522
the application during the pendency of the charge. 1523

(F) The director or the board of health shall not refuse 1524
to issue a permit or license to an applicant because of a 1525
conviction of an offense unless the refusal is in accordance 1526
with section 9.79 of the Revised Code. 1527

Sec. 3734.521. (A) As used in this section and sections 1528
3734.531 and 3734.57 of the Revised Code, "change in district 1529
composition" or "change" includes the withdrawal of a county 1530
from a joint solid waste management district, the establishment 1531
of a new county or joint district, the joinder of a county to an 1532
existing joint district, the union of two or more joint 1533
districts, or any combination thereof. 1534

(B) In addition to the requirements under Chapter 343. of 1535
the Revised Code, the requirements of this section govern a 1536
change in district composition when any of the districts 1537
involved are operating under a solid waste management plan or 1538
amended plan approved or ordered to be implemented under this 1539
section or section 3734.55 or 3734.56 of the Revised Code. 1540

(C) For purposes of preparing the initial and amended 1541
solid waste management plans for the county and joint districts 1542
resulting from any proposed change in district composition, the 1543
solid waste management policy committee for the proposed 1544
resulting districts shall consist of the members prescribed in 1545
division (B) of section 3734.54 of the Revised Code from each 1546
county within the proposed district and shall include an 1547
additional public member only when one is required to be 1548
appointed under division (C) of section 3734.54 of the Revised 1549
Code. 1550

(D) In the case of a proposed establishment of a new joint 1551
district, joinder of a county to an existing joint district, or 1552
union of existing joint districts that only involves existing 1553

county or joint districts that are operating under solid waste 1554
management plans or amended plans approved under this section or 1555
section 3734.55 or 3734.56 of the Revised Code and that does not 1556
involve the withdrawal of a county from an existing joint 1557
district, the solid waste management policy committee of the 1558
proposed joint district resulting from the change shall do all 1559
of the following: 1560

(1) Prepare a draft initial or amended solid waste 1561
management plan for the proposed joint district that complies 1562
with divisions (A), (B), (D), and (E) (1) of section 3734.53 of 1563
the Revised Code; 1564

(2) Upon completion of the draft initial or amended plan 1565
for the proposed joint district, proceed to adopt and obtain 1566
approval of it in accordance with divisions (A), (B), and (C) (1) 1567
to (3) of section 3734.55 of the Revised Code; 1568

(3) Submit the initial or amended plan for the proposed 1569
joint district to the director of environmental protection for 1570
approval not earlier than one hundred eighty days and not later 1571
than ninety days before the date that one of the existing 1572
districts involved in the proposed change is required to submit 1573
an amended plan under section 3734.56 of the Revised Code. 1574

If any such proposed joint district fails to submit its 1575
plan or amended plan, as appropriate, to the director on or 1576
before the date required under division (D) (3) of this section, 1577
the proposed change shall not occur, and the director shall 1578
proceed in accordance with division (D) of section 3734.55 of 1579
the Revised Code to prepare an amended plan for each of the 1580
existing districts and order the implementation of the amended 1581
plans. If the proposed joint district fails to obtain approval 1582
of its initial or amended plan, as appropriate, within eighteen 1583

months after the date for submission of its initial or amended 1584
plan required under division (D) (3) of this section, the 1585
director shall proceed in accordance with division (D) of 1586
section 3734.55 of the Revised Code to prepare a plan or amended 1587
plan, as appropriate, for the proposed joint district and to 1588
order the implementation of the plan or amended plan. 1589

(E) In the case of a proposed change in district 1590
composition that involves an existing district that is operating 1591
under a solid waste management plan or amended plan prepared and 1592
ordered to be implemented by the director under this section or 1593
section 3734.55 or 3734.56 of the Revised Code or that involves 1594
the withdrawal of a county from an existing joint district, the 1595
solid waste management policy committee of each of the districts 1596
resulting from the proposed change, not later than twenty months 1597
before one of the existing districts is required to submit an 1598
amended solid waste management plan under section 3734.56 of the 1599
Revised Code or twenty months before the triennial anniversary 1600
of the issuance of the order under division (D) or (F) (1) or (2) 1601
of this section or division (D) of section 3734.55 of the 1602
Revised Code requiring one of the districts involved to 1603
implement a plan prepared and ordered to be implemented under 1604
any of those divisions, shall submit to the director a 1605
preliminary demonstration of the availability of or access to 1606
solid waste management facility capacity under division (E) (1) 1607
or (2) of this section, as appropriate. The preliminary 1608
demonstrations of each of the proposed districts shall be 1609
submitted to the director at the same time. 1610

As used in divisions (E) and (F) of this section, 1611
"preliminary demonstration of capacity" means the certification 1612
and demonstration required to be submitted under division (E) (1) 1613
of this section or the statement and financial feasibility study 1614

required to be submitted under division (E) (2) of this section, 1615
as appropriate. 1616

(1) If a proposed district has located within its 1617
boundaries one or more solid waste facilities that have 1618
sufficient remaining capacity to dispose of all the solid waste 1619
generated within its boundaries during the subsequent ten-year 1620
period, or if the county or counties proposing to form the 1621
district have entered into one or more firm contracts or 1622
agreements that in the aggregate provide for the disposal of all 1623
the solid wastes generated within the proposed district during 1624
the subsequent ten-year period at facilities located outside the 1625
district or this state, the solid waste management policy 1626
committee of the proposed district shall submit to the director 1627
a certification and demonstration by the committee of the 1628
availability of or access to sufficient solid waste management 1629
facility capacity to provide for the disposal of all the solid 1630
wastes generated within the proposed district during that ten- 1631
year period. 1632

The director shall approve or disapprove a preliminary 1633
demonstration of capacity within sixty days after receiving it. 1634
If the director finds that the policy committee has made the 1635
demonstration required by division (E) (1) of this section, ~~he~~ 1636
the director shall approve the preliminary demonstration. 1637
Otherwise, the director shall disapprove the preliminary 1638
demonstration. 1639

(2) If a proposed district does not have sufficient solid 1640
waste management facility capacity within its boundaries or 1641
access to sufficient capacity by contract or agreement to make 1642
the demonstration required by division (E) (1) of this section, 1643
the solid waste management policy committee of the proposed 1644

district shall submit to the director a statement as to how the 1645
proposed district will provide for sufficient solid waste 1646
management facility capacity to dispose of all solid wastes 1647
generated within its boundaries during the subsequent ten-year 1648
period. The statement shall be accompanied by a study of the 1649
financial feasibility of the measures proposed in the statement. 1650
The statement and financial feasibility study shall contain an 1651
inventory of all existing solid waste disposal, transfer, and 1652
resource recovery facilities and recycling activities within the 1653
proposed district and estimates of the remaining capacity 1654
available at each such facility; estimates of the amounts of 1655
solid wastes that will be generated within the proposed district 1656
during each year of the subsequent ten-year period; an 1657
identification of the additional solid waste management 1658
facilities and capacity that the proposed district intends to 1659
provide to dispose of the estimated amounts of solid wastes; a 1660
schedule for implementation of the measures proposed in the 1661
statement; if appropriate, estimates of the capital and 1662
operating costs of the additional facilities that the district 1663
intends to provide and of the rates to be charged to meet those 1664
costs; and, if appropriate, rates to be charged to meet the 1665
costs of capacity that the district intends to provide by 1666
contract or agreement. 1667

The director shall approve or disapprove a statement and 1668
financial feasibility study within sixty days after receiving 1669
them. The director shall approve a statement and financial 1670
feasibility study only if they demonstrate a technically 1671
feasible and economically reasonable means of providing for the 1672
environmentally sound management of solid wastes generated in 1673
the district during the subsequent ten-year period. Otherwise, 1674
the director shall disapprove the statement and financial 1675

feasibility study. 1676

(3) Upon approving or disapproving a preliminary 1677
demonstration of capacity under division (E) (1) or (2) of this 1678
section, the director shall provide written notice of ~~his~~ 1679
~~decision~~ the director's approval or disapproval to the solid 1680
waste management policy committee that submitted it. ~~If~~ Except 1681
as provided in division (I) of this section, if the director 1682
disapproves the preliminary demonstration of any of the proposed 1683
districts, the change in district composition shall not occur. 1684
The solid waste management policy committee of each of the 1685
existing districts operating under a solid waste management plan 1686
approved under this section or section 3734.55 of the Revised 1687
Code or an amended plan approved under this section or section 1688
3734.56 of the Revised Code then shall proceed to adopt and 1689
obtain approval of an amended plan in accordance with division 1690
(A) of section 3734.56 of the Revised Code. If any of the 1691
existing districts is operating under a plan or an amended plan 1692
ordered to be implemented under this section or section 3734.55 1693
or 3734.56 of the Revised Code, the director then shall proceed 1694
in accordance with division (B) of section 3734.56 of the 1695
Revised Code to prepare an amended plan for each such district 1696
and order the implementation of the amended plan. Division (E) 1697
(3) of this section does not preclude an existing district that 1698
is operating under a plan or amended plan prepared and ordered 1699
to be implemented by the director from proceeding under division 1700
(C) of section 3734.56 of the Revised Code to prepare and obtain 1701
approval of a plan to replace the initial or amended plan 1702
prepared by the director. 1703

(4) If the director approves the preliminary demonstration 1704
of each of the proposed districts resulting from the change in 1705
district composition under division (E) (1) or (2) of this 1706

section, the solid waste management policy committee of each of 1707
the proposed districts shall begin preparing a draft initial 1708
solid waste management plan for the district, and the committee 1709
of the remaining joint district, if any, shall begin preparing a 1710
draft amended plan for the joint district. The initial or 1711
amended plan and certification of capacity shall comply with 1712
divisions (A), (B), (D), and (E) (1) of section 3734.53 of the 1713
Revised Code. Upon completion of the draft initial or amended 1714
plan for the proposed district, the committee shall proceed to 1715
adopt and obtain approval of it in accordance with divisions 1716
(A), (B), and (C) (1) to (3) of section 3734.55 of the Revised 1717
Code. The initial plans of the proposed districts and the 1718
amended plan of the remaining joint district, if any, shall be 1719
submitted to the director at the same time and shall be 1720
submitted not later than twenty months after the proposed 1721
districts submitted their preliminary demonstrations of capacity 1722
under division (E) (1) or (2) of this section. ~~If Except as~~ 1723
provided in division (I) of this section, if any of the proposed 1724
districts fails to submit its plan or amended plan to the 1725
director on or before the required date, the proposed change 1726
shall not occur, and the director then shall proceed in 1727
accordance with division (D) of section 3734.55 of the Revised 1728
Code to prepare an amended plan for each of the existing 1729
districts and to order the implementation of the amended plans. 1730

(F) If any of the proposed districts resulting from a 1731
change in district composition, or the remaining joint district, 1732
if any, that is required to submit a preliminary demonstration 1733
of capacity under division (E) (1) or (2) of this section fails 1734
to obtain approval of its plan or amended plan within thirty- 1735
eight months after the submission of its preliminary 1736
demonstration of capacity, the director, subject to division (I) 1737

of this section, shall determine what actions are necessary to 1738
ensure that each county involved in the proposed change will be 1739
included in a district that either will have within its 1740
boundaries sufficient solid waste management facility capacity 1741
to provide for the disposal of all of the solid wastes generated 1742
within its boundaries during the subsequent ten-year period or 1743
will have access to sufficient capacity at facilities located 1744
outside the district or this state by contract or agreement to 1745
dispose of all of the solid wastes generated within the district 1746
during that ten-year period. Based upon that determination, and 1747
subject to division (I) of this section, the director shall do 1748
either of the following, as appropriate: 1749

(1) If the director determines that the solid waste 1750
management needs of each of the counties involved can be met if 1751
the proposed change were to occur, he the director shall prepare 1752
an initial or amended plan that complies with divisions (A) and 1753
(D) of section 3734.53 of the Revised Code for each of the 1754
proposed or existing districts that failed to obtain approval of 1755
its plan or amended plan within thirty-eight months after the 1756
districts were required to submit their preliminary 1757
demonstrations of capacity under division (E)(1) or (2) of this 1758
section. None of the plans or amended plans prepared by the 1759
director shall contain any of the provisions required or 1760
authorized to be included in plans submitted by districts under 1761
division (B), (C), or (E) of section 3734.53 of the Revised 1762
Code. Upon completion of each such plan or amended plan, the 1763
director shall issue an order in accordance with Chapter 3745. 1764
of the Revised Code directing the board of county commissioners 1765
or directors of the district for which the plan or amended plan 1766
was prepared to implement it in compliance with the 1767
implementation schedule contained in it. 1768

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

If a plan prepared under this division provides for the establishment of a joint district by two or more counties that had each previously formed a county district, the director, in accordance with Chapter 3745. of the Revised Code, shall issue an order to the board of county commissioners of each of the

counties directing them to enter into an agreement to form a 1800
joint district under division (A) of section 343.01 of the 1801
Revised Code within thirty days after the issuance of the order. 1802
If a plan or amended plan prepared by the director provides for 1803
the withdrawal of one or more counties from an existing joint 1804
district, the establishment of a new joint district, the joinder 1805
of one or more counties to an existing joint district, or the 1806
union of two or more existing joint districts, the director, in 1807
accordance with Chapter 3745. of the Revised Code, shall issue 1808
appropriate orders to the board of county commissioners of each 1809
county or existing county district and to the board of directors 1810
of each joint district that will be affected by the plan 1811
directing the board of county commissioners or directors, within 1812
thirty days after the issuance of the order, to adopt the 1813
appropriate resolutions and enter into any necessary agreements 1814
under division (B) of section 343.01 of the Revised Code to 1815
effect the changes provided for in the plan. The requirements 1816
and procedures for approval of the withdrawal from, 1817
establishment of, joinder to, or union of districts under 1818
section 343.012 of the Revised Code do not apply to changes 1819
ordered under division (F) (2) of this section. The other 1820
provisions of that section do apply to changes ordered under 1821
division (F) (2) of this section. 1822

Any order issued by the director under division (F) (2) of 1823
this section also shall require the district to be formed 1824
pursuant to the order to implement the plan or amended plan 1825
prepared by the director in compliance with the implementation 1826
schedule contained in the plan. 1827

(G) ~~No~~ Subject to division (I) of this section, no 1828
proposed change in district composition shall become final until 1829
one of the following has occurred: 1830

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

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

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

(4) If the circumstances described in division (F) (2) of this section apply, the director has prepared a plan or amended plan for each of the districts set forth in the determination made under that division and has issued an order under that division directing each of the districts to implement the initial or amended plan prepared for it by the director.

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

of section 343.012 of the Revised Code. 1861

(I) Notwithstanding any provision of law to the contrary, 1862
if a change in district composition involves the withdrawal of a 1863
county under division (B)(1) of section 343.012 of the Revised 1864
Code, the proposed change in district composition shall occur 1865
and the director shall take all actions necessary under this 1866
chapter to effectuate the withdrawal so that the withdrawal is 1867
effective not later than ninety days after the submission of the 1868
resolution to withdraw by the board of county commissioners of 1869
the withdrawing county under that section. After the expiration 1870
of the ninety-day time period, the withdrawing county is severed 1871
from the joint district and shall comply with all necessary 1872
provisions of Chapter 343. of the Revised Code and this chapter 1873
that apply to county solid waste management districts. In no 1874
circumstance shall the director require the withdrawing county 1875
to form a joint district under this section or section 343.012 1876
of the Revised Code or to rejoin the joint district from which 1877
the county is withdrawing. 1878

Sec. 3734.53. (A) The solid waste management plan of any 1879
county or joint solid waste management district shall be 1880
prepared in a format prescribed by the director of environmental 1881
protection and shall provide for compliance with the objectives 1882
of the state solid waste management plan and rules adopted under 1883
section 3734.50 of the Revised Code. The plan shall provide for, 1884
demonstrate, and certify the availability of and access to 1885
sufficient solid waste management facility capacity to meet the 1886
solid waste management needs of the district for the ten-year 1887
period covered by the plan. The solid waste management policy 1888
committee of a county or joint district created in section 1889
3734.54 of the Revised Code may prepare and submit a solid waste 1890
management plan that covers and makes the required demonstration 1891

for a longer period of time. 1892

The solid waste management plan shall contain all of the 1893
following: 1894

(1) An inventory of the sources, composition, and 1895
quantities of solid wastes generated in the district during the 1896
current year; 1897

(2) An inventory of all existing facilities where solid 1898
wastes are being disposed of, all resource recovery facilities, 1899
and all recycling activities within the district. The inventory 1900
shall identify each such facility or activity and, for each 1901
disposal facility, shall estimate the remaining disposal 1902
capacity available at the facility. The inventory shall be 1903
accompanied by a map that shows the location of each such 1904
existing facility or activity. 1905

(3) An inventory of existing solid waste collection 1906
systems and routes, transportation systems and routes, and 1907
transfer facilities within the district. The inventory shall 1908
identify the entities engaging in solid waste collection within 1909
the district. 1910

(4) An inventory of open dumping sites for solid wastes, 1911
including solid wastes consisting of scrap tires, and facilities 1912
for the disposal of fly ash and bottom ash, foundry sand, and 1913
slag within the district. The inventory shall identify each such 1914
site or facility and shall be accompanied by a map that shows 1915
the location of each of them. 1916

(5) A projection of population changes within the district 1917
during the next ten years; 1918

(6) For each year of the forecast period, projections of 1919
the amounts and composition of solid wastes that will be 1920

generated within the district, the amounts of solid wastes 1921
originating outside the district that will be brought into the 1922
district for disposal or resource recovery, the nature of 1923
industrial activities within the district, and the effect of 1924
newly regulated waste streams, solid waste minimization 1925
activities, and solid waste recycling and reuse activities on 1926
solid waste generation rates. For each year of the forecast 1927
period, projections of waste quantities shall be compiled as an 1928
aggregate quantity of wastes. 1929

(7) An identification of the additional solid waste 1930
management facilities and the amount of additional capacity 1931
needed to dispose of the quantities of wastes projected in 1932
division (A) (6) of this section; 1933

(8) A strategy for identification of sites for the 1934
additional solid waste management facilities and capacity 1935
identified under division (A) (7) of this section; 1936

(9) An analysis and comparison of the capital and 1937
operating costs of the solid waste disposal facilities, solid 1938
waste resource recovery facilities, and solid waste recycling 1939
and reuse activities necessary to meet the solid waste 1940
management needs of the district, projected in five- and ten- 1941
year increments; 1942

(10) An analysis of expenses for which the district is 1943
liable under section 3734.35 of the Revised Code; 1944

(11) A projection of solid waste transfer facilities that 1945
will be needed in conjunction with existing solid waste 1946
facilities and those projected under division (A) (7) of this 1947
section; 1948

(12) Such other projections as the district considers 1949

necessary or appropriate to ascertain and meet the solid waste 1950
management needs of the district during the period covered by 1951
the plan; 1952

(13) A schedule for implementation of the plan that, when 1953
applicable, contains all of the following: 1954

(a) An identification of the solid waste disposal, 1955
transfer, and resource recovery facilities and recycling 1956
activities contained in the plan where solid wastes generated 1957
within or transported into the district will be taken for 1958
disposal, transfer, resource recovery, or recycling. An initial 1959
or amended plan prepared and ordered to be implemented by the 1960
director under section 3734.521, 3734.55, or 3734.56 of the 1961
Revised Code may designate solid waste disposal, transfer, or 1962
resource recovery facilities or recycling activities that are 1963
owned by a municipal corporation, county, county or joint solid 1964
waste management district, township, or township waste disposal 1965
district created under section 505.28 of the Revised Code for 1966
which debt issued under Chapter 133., 343., or 6123. of the 1967
Revised Code is outstanding where solid wastes generated within 1968
or transported into the district shall be taken for disposal, 1969
transfer, resource recovery, or recycling. 1970

(b) A schedule for closure of existing solid waste 1971
facilities, expansion of existing facilities, and establishment 1972
of new facilities. The schedule for expansion of existing 1973
facilities or establishment of new facilities shall include, 1974
without limitation, the approximate dates for filing 1975
applications for appropriate permits to install or modify those 1976
facilities under section 3734.05 of the Revised Code. 1977

(c) A schedule for implementation of solid waste 1978
recycling, reuse, and reduction programs needed to meet the 1979

waste reduction, recycling, reuse, and minimization objectives 1980
of the state solid waste management plan and rules adopted by 1981
the director under section 3734.50 of the Revised Code; 1982

(d) The methods of financing implementation of the plan 1983
and a demonstration of the availability of financial resources 1984
for that purpose. 1985

(14) A program for providing informational or technical 1986
assistance regarding source reduction to solid waste generators, 1987
or particular categories of solid waste generators, within the 1988
district. The plan shall set forth the types of assistance to be 1989
provided by the district and the specific categories of 1990
generators that are to be served. The district has the sole 1991
discretion to determine the types of assistance that are to be 1992
provided under the program and the categories of generators to 1993
be served by it. 1994

(B) In addition to the information, projections, 1995
demonstrations, and certification required by division (A) of 1996
this section, a plan shall do all of the following: 1997

(1) Establish the ~~schedule of fees~~ fee, if any, to be 1998
levied under ~~divisions (B) (1) to (3)~~ division (B) of section 1999
3734.57 of the Revised Code; 2000

(2) Establish the fee, if any, to be levied under division 2001
(A) of section 3734.573 of the Revised Code; 2002

(3) Contain provisions governing the allocation among the 2003
purposes enumerated in divisions (G) (1) to (10) of section 2004
3734.57 of the Revised Code of the moneys credited to the 2005
special fund of the district under division (G) of that section 2006
that are available for expenditure by the district under that 2007
division. The plan shall do all of the following: 2008

(a) Ensure that sufficient of the moneys so credited to 2009
and available from the special fund are available for use by the 2010
solid waste management policy committee of the district at the 2011
time the moneys are needed to monitor implementation of the plan 2012
and conduct its periodic review and amendment as required under 2013
section 3734.56 of the Revised Code; 2014

(b) Contain provisions governing the allocation and 2015
distribution of moneys credited to and available from the 2016
special fund of the district to health districts within the 2017
county or joint district that have approved programs under 2018
section 3734.08 of the Revised Code for the purposes of division 2019
(G) (3) of section 3734.57 of the Revised Code; 2020

(c) Contain provisions governing the allocation and 2021
distribution of moneys credited to and available from the 2022
special fund of the district to the county in which solid waste 2023
facilities are or are to be located and operated under the plan 2024
for the purposes of division (G) (4) of section 3734.57 of the 2025
Revised Code; 2026

(d) Contain provisions governing the allocation and 2027
distribution, pursuant to contracts entered into for that 2028
purpose, of moneys credited to and available from the special 2029
fund of the district to boards of health within the district in 2030
which solid waste facilities contained in the district's plan 2031
are located for the purposes of division (G) (5) of section 2032
3734.57 of the Revised Code. 2033

(4) Incorporate all solid waste recycling activities that 2034
were in operation within the district on the effective date of 2035
the plan. 2036

(C) The solid waste management plan of a county or joint 2037

district may provide for the adoption of rules under division 2038
(G) of section 343.01 of the Revised Code after approval of the 2039
plan under section 3734.521 or 3734.55 of the Revised Code doing 2040
any or all of the following: 2041

(1) Prohibiting or limiting the receipt at facilities 2042
located within the solid waste management district of solid 2043
wastes generated outside the district or outside a prescribed 2044
service area consistent with the projections under divisions (A) 2045
(6) and (7) of this section. However, rules adopted by a board 2046
under division (C) (1) of this section may be adopted and 2047
enforced with respect to solid waste disposal facilities in the 2048
solid waste management district that are not owned by a county 2049
or the solid waste management district only if the board submits 2050
an application to the director of environmental protection that 2051
demonstrates that there is insufficient capacity to dispose of 2052
all solid wastes that are generated within the district at the 2053
solid waste disposal facilities located within the district and 2054
the director approves the application. The demonstration in the 2055
application shall be based on projections contained in the plan 2056
or amended plan of the district. The director shall establish 2057
the form of the application. The approval or disapproval of such 2058
an application by the director is an action that is appealable 2059
under section 3745.04 of the Revised Code. 2060

In addition, the director of environmental protection may 2061
issue an order modifying a rule authorized to be adopted under 2062
division (C) (1) of this section to allow the disposal in the 2063
district of wastes from another county or joint solid waste 2064
management district if all of the following apply: 2065

(a) The district in which the wastes were generated does 2066
not have sufficient capacity to dispose of solid wastes 2067

generated within it for six months following the date of the 2068
director's order; 2069

(b) No new solid waste facilities will begin operation 2070
during those six months in the district in which the wastes were 2071
generated and, despite good faith efforts to do so, it is 2072
impossible to site new solid waste facilities within the 2073
district because of its high population density; 2074

(c) The district in which the wastes were generated has 2075
made good faith efforts to negotiate with other districts to 2076
incorporate its disposal needs within those districts' solid 2077
waste management plans, including efforts to develop joint 2078
facilities authorized under section 343.02 of the Revised Code, 2079
and the efforts have been unsuccessful; 2080

(d) The district in which the wastes were generated has 2081
located a facility willing to accept the district's solid wastes 2082
for disposal within the receiving district; 2083

(e) The district in which the wastes were generated has 2084
demonstrated to the director that the conditions specified in 2085
divisions (C) (1) (a) to (d) of this section have been met; 2086

(f) The director finds that the issuance of the order will 2087
be consistent with the state solid waste management plan and 2088
that receipt of the out-of-district wastes will not limit the 2089
capacity of the receiving district to dispose of its in-district 2090
wastes to less than eight years. Any order issued under division 2091
(C) (1) of this section shall not become final until thirty days 2092
after it has been served by certified mail upon the county or 2093
joint solid waste management district that will receive the out- 2094
of-district wastes. 2095

(2) Governing the maintenance, protection, and use of 2096

solid waste collection, storage, disposal, transfer, recycling, 2097
processing, and resource recovery facilities within the district 2098
and requiring the submission of general plans and specifications 2099
for the construction, enlargement, or modification of any such 2100
facility to the board of county commissioners or board of 2101
directors of the district for review and approval as complying 2102
with the plan or amended plan of the district; 2103

(3) Governing development and implementation of a program 2104
for the inspection of solid wastes generated outside the 2105
boundaries of the state that are being disposed of at solid 2106
waste facilities included in the district's plan; 2107

(4) Exempting the owner or operator of any existing or 2108
proposed solid waste facility provided for in the plan from 2109
compliance with any amendment to a township zoning resolution 2110
adopted under section 519.12 of the Revised Code or to a county 2111
rural zoning resolution adopted under section 303.12 of the 2112
Revised Code that rezoned or redistricted the parcel or parcels 2113
upon which the facility is to be constructed or modified and 2114
that became effective within two years prior to the filing of an 2115
application for a permit required under division (A)(2)(a) of 2116
section 3734.05 of the Revised Code to open a new or modify an 2117
existing solid waste facility. 2118

(D) Except for the inventories required by divisions (A) 2119
(1), (2), and (4) of this section and the projections required 2120
by division (A)(6) of this section, neither this section nor the 2121
solid waste management plan of a county or joint district 2122
applies to the construction, operation, use, repair, or 2123
maintenance of either of the following: 2124

(1) A solid waste facility owned by a generator of solid 2125
wastes when the solid waste facility exclusively disposes of 2126

solid wastes generated at one or more premises owned by the 2127
generator regardless of whether the facility is located on a 2128
premises where the wastes are generated; 2129

(2) A facility that exclusively disposes of wastes that 2130
are generated from the combustion of coal, or from the 2131
combustion of primarily coal in combination with scrap tires, 2132
that is not combined in any way with garbage at one or more 2133
premises owned by the generator. 2134

(E) (1) The initial solid waste management plans prepared 2135
by county or joint districts under section 3734.521 of the 2136
Revised Code and the amended plans prepared under section 2137
3734.521 or 3734.56 of the Revised Code shall contain a clear 2138
statement as to whether the board of county commissioners or 2139
directors is authorized to or precluded from establishing 2140
facility designations under section 343.014 of the Revised Code. 2141

(2) A policy committee that is preparing a draft or 2142
revised draft plan under section 3734.55 of the Revised Code on 2143
October 29, 1993, may include in the draft or revised draft plan 2144
only one of the following pertaining to the solid waste 2145
facilities or recycling activities where solid wastes generated 2146
within or transported into the district are to be taken for 2147
disposal, transfer, resource recovery, or recycling: 2148

(a) The designations required under former division (A) 2149
(12) (a) of this section as it existed prior to October 29, 1993; 2150

(b) The identifications required in division (A) (12) (a) of 2151
this section and the statement required under division (E) (1) of 2152
this section; 2153

(c) Both of the following: 2154

(i) The designations required under former division (A) 2155

(12) (a) of this section as it existed prior to October 29, 1993, 2156
except that those designations only shall pertain to solid waste 2157
disposal, transfer, or resource recovery facilities or recycling 2158
activities that are owned by a municipal corporation, county, 2159
county or joint solid waste management district, township, or 2160
township waste disposal district created under section 505.28 of 2161
the Revised Code for which debt issued under Chapter 133., 343., 2162
or 6123. of the Revised Code is outstanding; 2163

(ii) The identifications required under division (A) (12) 2164
(a) of this section, and the statement required under division 2165
(E) (1) of this section, pertaining to the solid waste facilities 2166
and recycling activities described in division (A) of section 2167
343.014 of the Revised Code. 2168

(F) Notwithstanding section 3734.01 of the Revised Code, 2169
"solid wastes" does not include scrap tires and "facility" does 2170
not include any scrap tire collection, storage, monocell, 2171
monofill, or recovery facility in either of the following 2172
circumstances: 2173

(1) For the purposes of an initial plan prepared and 2174
ordered to be implemented by the director under section 3734.55 2175
of the Revised Code; 2176

(2) For the purposes of an initial or amended plan 2177
prepared and ordered to be implemented by the director under 2178
division (D) or (F) (1) or (2) of section 3734.521 of the Revised 2179
Code in connection with a change in district composition as 2180
defined in that section that involves an existing district that 2181
is operating under either an initial plan approved or prepared 2182
and ordered to be implemented under section 3734.55 of the 2183
Revised Code or an initial or amended plan approved or prepared 2184
and ordered to be implemented under section 3734.521 of the 2185

Revised Code that does not provide for the management of scrap 2186
tires and scrap tire facilities. 2187

(G) Notwithstanding section 3734.01 of the Revised Code, 2188
and except as provided in division (A) (4) of this section, 2189
"solid wastes" need not include scrap tires and "facility" need 2190
not include any scrap tire collection, storage, monocell, 2191
monofill, or recovery facility in either of the following 2192
circumstances: 2193

(1) For the purposes of an initial plan prepared under 2194
sections 3734.54 and 3734.55 of the Revised Code unless the 2195
solid waste management policy committee preparing the initial 2196
plan chooses to include the management of scrap tires and scrap 2197
tire facilities in the plan; 2198

(2) For the purposes of a preliminary demonstration of 2199
capacity as defined in section 3734.521 of the Revised Code, if 2200
any, and an initial or amended plan prepared under that section 2201
by the solid waste management policy committee of a solid waste 2202
management district resulting from proceedings for a change in 2203
district composition under sections 343.012 and 3734.521 of the 2204
Revised Code that involves an existing district that is 2205
operating either under an initial plan approved or prepared and 2206
ordered to be implemented under section 3734.55 of the Revised 2207
Code or under an initial or amended plan approved or prepared 2208
and ordered to be implemented under section 3734.521 of the 2209
Revised Code that does not provide for the management of scrap 2210
tires and scrap tire facilities unless the solid waste 2211
management policy committee of the district resulting from the 2212
change chooses to include the management of scrap tires and 2213
scrap tire facilities in the preliminary demonstration of 2214
capacity, if any, and the initial or amended plan prepared under 2215

section 3734.521 of the Revised Code in connection with the 2216
change proceedings. 2217

If a policy committee chooses to include the management of 2218
scrap tires and scrap tire facilities in an initial plan 2219
pursuant to division (G) (1) of this section, the initial plan 2220
shall incorporate all of the elements required under this 2221
section, and may incorporate any of the elements authorized 2222
under this section, for the purpose of managing solid wastes 2223
that consist of scrap tires and solid waste facilities that are 2224
scrap tire collection, storage, monocell, monofill, or recovery 2225
facilities. If a policy committee chooses to provide for the 2226
management of scrap tires and scrap tire facilities pursuant to 2227
division (G) (2) of this section, the preliminary demonstration 2228
of capacity, if one is required, shall incorporate all of the 2229
elements required under division (E) (1) or (2) of section 2230
3734.521 of the Revised Code, as appropriate, for the purpose of 2231
managing solid wastes that consist of scrap tires and solid 2232
waste facilities that are scrap tire collection, storage, 2233
monocell, monofill, or recovery facilities. The initial or 2234
amended plan also shall incorporate all of the elements required 2235
under this section, and may incorporate any of the elements 2236
authorized under this section, for the purpose of managing solid 2237
wastes that consist of scrap tires and solid waste facilities 2238
that are scrap tire collection, storage, monocell, monofill, or 2239
recovery facilities. 2240

(H) Neither this section nor the solid waste management 2241
plan of a county or joint district applies to the construction, 2242
operation, use, repair, or maintenance of any compost facility 2243
that exclusively composts raw rendering material. 2244

Sec. 3734.55. (A) Upon completion of its draft solid waste 2245

management plan under section 3734.54 of the Revised Code, the 2246
solid waste management policy committee of a county or joint 2247
solid waste management district shall send a copy of the draft 2248
plan to the director of environmental protection for preliminary 2249
review and comment. Within forty-five days after receiving the 2250
draft plan, the director shall provide the committee with a 2251
written, nonbinding advisory opinion regarding the draft plan 2252
and any recommended changes to it that the director considers 2253
necessary to effect its approval. After receipt of the 2254
director's written opinion, the committee may make such 2255
revisions to the draft plan based on the director's opinion as 2256
it considers appropriate. Upon receipt of the director's opinion 2257
and after making any such revisions to the draft plan, the 2258
committee shall prepare and publish in at least one newspaper of 2259
general circulation within the county or joint district a public 2260
notice that describes the draft plan, specifies the location 2261
where it is available for review, and establishes a period of 2262
thirty days for comments concerning the draft plan. The 2263
committee shall send written notice of the draft plan to 2264
adjacent county and joint districts and shall make it available 2265
for review by those districts, by the board of county 2266
commissioners of each county forming the district, by all 2267
municipal corporations and townships within the county or joint 2268
district, and by the public. The committee also shall send 2269
written notice of the plan to the director and to the fifty 2270
industrial, commercial, or institutional generators of solid 2271
wastes within the district that generate the largest quantities 2272
of solid wastes, as determined by the board, and their local 2273
trade associations. The board shall make good faith efforts to 2274
identify those generators within the district and their local 2275
trade associations, but the nonprovision of notice under this 2276
division to a particular industrial, commercial, or 2277

institutional generator or local trade association does not 2278
invalidate the proceedings under this section. All such written 2279
notices shall include the date, time, and location of the public 2280
hearing; the dates when the comment period begins and ends; and 2281
a description of the plan that includes, without limitation, the 2282
~~proposed~~ amount of the ~~fees~~ fee to be levied under the plan 2283
pursuant to division (B) of section 3734.57 or division (A) of 2284
section 3734.573 of the Revised Code, if any, and an indication 2285
as to whether the provision required to be included in the plan 2286
under division (E) (1) of section 3734.53 of the Revised Code 2287
authorizes the board of county commissioners or directors of the 2288
district to establish, or precludes the board from establishing, 2289
facility designations under section 343.014 of the Revised Code. 2290
Within fifteen days after expiration of the comment period, the 2291
committee shall conduct a public hearing concerning the draft 2292
plan and, at least fifteen days before the hearing, shall 2293
publish in at least one newspaper of general circulation within 2294
the county or joint district a notice containing the time and 2295
place of the hearing and the location where the draft plan is 2296
available for review. 2297

(B) After the public hearing, the committee may modify the 2298
draft plan based upon the public's comments and shall adopt or 2299
reject it by a majority vote. Within thirty days after adoption 2300
of the draft plan, the committee shall deliver a copy of it to 2301
the board of county commissioners of each county forming the 2302
district and to the legislative authority of each municipal 2303
corporation and township under the jurisdiction of the district. 2304
Within ninety days after receiving a copy of the draft plan 2305
adopted by the committee, each such board and legislative 2306
authority shall approve or disapprove the draft plan, by 2307
ordinance or resolution, and deliver a copy of the ordinance or 2308

resolution to the committee. 2309

The solid waste management policy committee of a county 2310
district or a joint district formed by two or three counties 2311
shall declare the draft plan to be ratified as the solid waste 2312
management plan of the district upon determining that the board 2313
of county commissioners of each county forming the district has 2314
approved the draft plan and that the legislative authorities of 2315
a combination of municipal corporations and townships with a 2316
combined population within the county or joint district 2317
comprising at least sixty per cent of the total population of 2318
the district have approved the draft plan, provided that in the 2319
case of a county district, that combination shall include the 2320
municipal corporation having the largest population within the 2321
boundaries of the district, and provided further that in the 2322
case of a joint district formed by two or three counties, that 2323
combination shall include for each county forming the joint 2324
district the municipal corporation having the largest population 2325
within the boundaries of both the county in which the municipal 2326
corporation is located and the joint district. The solid waste 2327
management policy committee of a joint district formed by four 2328
or more counties shall declare the draft plan to be ratified as 2329
the solid waste management plan of the joint district upon 2330
determining that the boards of county commissioners of a 2331
majority of the counties forming the district have approved the 2332
draft plan; that, in each of a majority of the counties forming 2333
the joint district, the draft plan has been approved by the 2334
municipal corporation having the largest population within the 2335
county and the joint district; and that the legislative 2336
authorities of a combination of municipal corporations and 2337
townships with a combined population within the joint district 2338
comprising at least sixty per cent of the total population of 2339

the joint district have approved the draft plan. 2340

For the purposes of this division and division (C) (2) of 2341
this section, only the population of the unincorporated area of 2342
a township shall be considered. For the purpose of determining 2343
the largest municipal corporation within each county under this 2344
division and division (C) (2) of this section, a municipal 2345
corporation that is located in more than one solid waste 2346
management district, but that is under the jurisdiction of one 2347
county or joint solid waste management district in accordance 2348
with division (A) of section 3734.52 of the Revised Code shall 2349
be considered to be within the boundaries of the county in which 2350
a majority of the population of the municipal corporation 2351
resides. 2352

(C) (1) Upon ratification of the draft plan under division 2353
(B) of this section, the committee shall submit it to the 2354
director for review and approval for compliance with the 2355
requirements of divisions (A), (B), (D), and (E) (1) of section 2356
3734.53 of the Revised Code. The director, by order, shall 2357
approve or disapprove the plan within ninety days after its 2358
submission. The director shall include with an order 2359
disapproving a plan a statement outlining the deficiencies in 2360
the plan and directing the committee to submit, within ninety 2361
days after issuance of the order, a revised plan that remedies 2362
those deficiencies, except that if the committee, by resolution, 2363
requests an extension of the time for submission of a revised 2364
plan, the director, for good cause shown, may grant one such 2365
extension for a period of not more than sixty additional days. 2366

(2) Within sixty days after issuance of the order 2367
disapproving its plan, the committee shall prepare a draft 2368
revised plan, adopt a draft revised plan by a majority vote, and 2369

deliver a copy of the draft revised plan to the board of county 2370
commissioners of each county forming the district and to the 2371
legislative authority of each municipal corporation and township 2372
under the jurisdiction of the district. Within twenty-one days 2373
after the delivery of the draft revised plan, each such board 2374
and legislative authority shall approve or disapprove the draft 2375
revised plan, by ordinance or resolution, and deliver a copy of 2376
the ordinance or resolution to the committee. In the case of a 2377
county district or a joint district formed by two or three 2378
counties, the committee shall declare the draft revised plan to 2379
be ratified as the solid waste management plan of the county or 2380
joint district upon determining that the board of county 2381
commissioners of each county forming the district has approved 2382
the draft revised plan and that the legislative authorities of a 2383
combination of municipal corporations and townships with a 2384
combined population within the district comprising at least 2385
sixty per cent of the total population of the district have 2386
approved the draft revised plan, provided that in the case of a 2387
county district, that combination shall include the municipal 2388
corporation having the largest population within the boundaries 2389
of the district, and provided further that in the case of a 2390
joint district formed by two or three counties, that combination 2391
shall include for each county forming the joint district the 2392
municipal corporation having the largest population within the 2393
boundaries of both the county in which the municipal corporation 2394
is located and the joint district. In the case of a joint 2395
district formed by four or more counties, the committee shall 2396
declare the draft revised plan to be ratified as the solid waste 2397
management plan of the joint district upon determining that the 2398
boards of county commissioners of a majority of the counties 2399
forming the district have approved the draft revised plan; that, 2400
in each of a majority of the counties forming the joint 2401

district, the draft revised plan has been approved by the 2402
municipal corporation having the largest population within the 2403
county and the joint district; and that the legislative 2404
authorities of a combination of municipal corporations and 2405
townships with a combined population within the joint district 2406
comprising at least sixty per cent of the total population of 2407
the joint district have approved the draft revised plan. Upon 2408
ratification of the draft revised plan, the committee shall 2409
submit it to the director for approval in accordance with 2410
division (C)(1) of this section. The director, by order, shall 2411
approve or disapprove the draft revised plan within thirty days 2412
after receiving it. 2413

(3) Notwithstanding section 119.06 of the Revised Code, 2414
the director may approve or disapprove a plan or revised plan 2415
submitted under division (C)(1) or (2) of this section by 2416
issuance of a final order that is effective upon issuance, 2417
without the necessity to hold any adjudication hearing in 2418
connection with the order and without issuance of a proposed 2419
action under section 3745.07 of the Revised Code. In any appeal 2420
taken under section 3745.04 of the Revised Code pertaining to 2421
the director's disapproval of the solid waste management plan or 2422
revised plan of a county or joint district, the solid waste 2423
management policy committee of the county or joint district and 2424
the director shall be the parties. Upon a showing by the policy 2425
committee that there is a substantial likelihood that it will 2426
prevail on the merits, the environmental review appeals 2427
commission, within thirty days after filing of the notice of 2428
appeal under that section and pending final determination of the 2429
appeal, may grant temporary relief from the director's order 2430
disapproving the district's plan, including the issuance of 2431
appropriate orders to the director to refrain from acting under 2432

division (D) of this section. 2433

(4) After approval of the plan or revised plan by the 2434
director, the board of county commissioners of a county district 2435
or board of directors of a joint district shall implement the 2436
plan in compliance with the implementation schedule contained in 2437
the approved plan. 2438

The committee annually shall review implementation of the 2439
plan approved under this section or section 3734.521 of the 2440
Revised Code and subsequent amended plans approved under section 2441
3734.521 or 3734.56 of the Revised Code and report its findings 2442
and recommendations regarding implementation of the plan to the 2443
board of county commissioners or board of directors of the 2444
district. 2445

(D) If the director finds that a county or joint solid 2446
waste management district has failed to obtain approval of its 2447
solid waste management plan within eighteen months after the 2448
applicable date prescribed for submission of its plan under 2449
division (A) of section 3734.54 of the Revised Code or within 2450
twenty-four months after that date if the date for submission 2451
was extended under that division, the director shall prepare a 2452
solid waste management plan for the county or joint district 2453
that complies with divisions (A) and (D) of section 3734.53 of 2454
the Revised Code. The plan shall not contain any of the 2455
provisions required or authorized to be included in plans 2456
submitted by districts under division (B), (C), or (E) of that 2457
section. Upon completion of the plan, the director shall issue 2458
an order in accordance with Chapter 3745. of the Revised Code 2459
directing the board of county commissioners or board of 2460
directors of the district to implement the plan in compliance 2461
with the implementation schedule contained in it. 2462

Within thirty days after the effective date of the order 2463
to implement the plan, the board of county commissioners or 2464
board of directors of the district shall determine whether the 2465
solid waste management policy committee of the district should 2466
continue to exist to monitor implementation of the plan or for 2467
the purposes of division (B) of section 3734.57 or section 2468
3734.574 of the Revised Code. The board, by resolution, may 2469
abolish the committee if it determines that the committee is not 2470
necessary for any of those purposes. If the board of county 2471
commissioners or directors of a district that has so abolished 2472
the policy committee of the district finds that it is necessary 2473
or appropriate for the district to consider levying fees under 2474
section 3734.574 of the Revised Code, the board shall 2475
reestablish and convene the policy committee to initiate 2476
proceedings to levy the fees. If the fees are levied, the policy 2477
committee shall continue to exist for as long as the district is 2478
levying the fees. If, after a policy committee is convened to 2479
initiate proceedings to levy those fees, the fees are not levied 2480
or are abolished under section 3734.574 of the Revised Code, the 2481
board, by resolution, may abolish the committee if it determines 2482
that the committee is not necessary to monitor implementation of 2483
the plan. 2484

(E) If the director finds that the board of county 2485
commissioners or the board of directors of a district has 2486
materially failed to implement the district's plan or amended 2487
plan approved under division (C) of this section or section 2488
3734.521 or 3734.56 of the Revised Code, or prepared and ordered 2489
to be implemented under division (D) of this section or section 2490
3734.521 or 3734.56 of the Revised Code, in compliance with the 2491
implementation schedule contained in the plan or amended plan, 2492
the director shall issue an enforcement order under division (A) 2493

of section 3734.13 of the Revised Code directing the board to 2494
comply with the implementation schedule in the plan or amended 2495
plan within a specified, reasonable time. If the director finds 2496
that the board of county commissioners or directors of a 2497
district for which the provision included in the district's 2498
initial or amended plan approved under section 3734.521, 2499
3734.55, or 3734.56 of the Revised Code pursuant to division (E) 2500
(1) or (2) (b) or (c) of section 3734.53 of the Revised Code, or 2501
an amendment to the district's approved initial or amended plan 2502
adopted and ratified under division (F) of section 3734.56 of 2503
the Revised Code, precludes the board from establishing facility 2504
designations under section 343.014 of the Revised Code has 2505
initiated proceedings to establish facility designations in 2506
violation of that section and the district's initial or amended 2507
plan, the director shall issue an enforcement order under 2508
division (A) of section 3734.13 of the Revised Code directing 2509
the board, at the board's discretion, to either abandon the 2510
proceedings or suspend them until after the board has adopted 2511
and obtained ratification of an amendment to the district's 2512
initial or amended plan under division (F) of section 3734.56 of 2513
the Revised Code that authorizes the board to establish facility 2514
designations under section 343.014 of the Revised Code. If the 2515
director finds that a board of county commissioners or directors 2516
of a district for which the provision included in the district's 2517
initial or amended plan approved under section 3734.521, 2518
3734.55, or 3734.56 of the Revised Code pursuant to division (E) 2519
(1) or (2) (b) or (c) of section 3734.53 of the Revised Code, or 2520
an amendment to the district's approved initial or amended plan 2521
adopted and ratified under division (F) of section 3734.56 of 2522
the Revised Code, authorizes the board to establish facility 2523
designations under section 343.014 of the Revised Code has 2524
established facility designations under section 343.014 of the 2525

Revised Code or continued facility designations under section 2526
343.015 of the Revised Code and subsequently has initiated 2527
proceedings to terminate any such facility designations in 2528
violation of section 343.014 of the Revised Code and the 2529
district's initial or amended plan, the director shall issue an 2530
enforcement order under division (A) of section 3734.13 of the 2531
Revised Code directing the board, at the board's discretion, to 2532
either abandon the proceedings or adopt and obtain ratification 2533
of an amendment to the district's initial or amended plan under 2534
division (F) of section 3734.56 of the Revised Code that 2535
precludes the board from establishing facility designations 2536
under section 343.014 of the Revised Code. 2537

(F) The director shall maintain a record of the county and 2538
joint solid waste management district solid waste management 2539
plans and amended plans that the director has approved or 2540
ordered to be implemented under this section, section 3734.521, 2541
and section 3734.56 of the Revised Code. 2542

(G) (1) As used in divisions (C) (4), (D) (1) and (2), and 2543
(E) of this section and section 3734.521 of the Revised Code, 2544
any reference to a board of county commissioners of a county or 2545
a board of directors of a joint solid waste management district 2546
is deemed to include the board of trustees of a regional solid 2547
waste management authority formed under section 343.011 of the 2548
Revised Code. 2549

(2) As used in this section and sections 3734.521 and 2550
3734.57 of the Revised Code, "deliver" includes mailing as well 2551
as delivery by a means other than mailing. 2552

Sec. 3734.57. (A) The following fees are hereby levied on 2553
the transfer or disposal of solid wastes in this state: 2554

(1) ~~Ninety One dollar and twelve cents~~ per ton through 2555
June 30, ~~2024~~2026, ~~twenty-seventeen cents~~ of the proceeds of 2556
which shall be deposited in the state treasury to the credit of 2557
the hazardous waste facility management fund created in section 2558
3734.18 of the Revised Code and ~~seventy-ninety-five cents~~ of the 2559
proceeds of which shall be deposited in the state treasury to 2560
the credit of the hazardous waste clean-up fund created in 2561
section 3734.28 of the Revised Code; 2562

(2) An additional ~~seventy-five one dollar and forty-two~~ 2563
cents per ton through June 30, ~~2024~~2026, the proceeds of which 2564
shall be deposited in the state treasury to the credit of the 2565
waste management fund created in section 3734.061 of the Revised 2566
Code. 2567

(3) An additional ~~two-four~~ dollars and ~~eighty-five forty-~~ 2568
~~four~~ cents per ton through June 30, ~~2024~~2026, the proceeds of 2569
which shall be deposited in the state treasury to the credit of 2570
the environmental protection fund created in section 3745.015 of 2571
the Revised Code; 2572

(4) An additional ~~twenty-five thirty-nine~~ cents per ton 2573
through June 30, ~~2024~~2026, the proceeds of which shall be 2574
deposited in the state treasury to the credit of the soil and 2575
water conservation district assistance fund created in section 2576
940.15 of the Revised Code; 2577

(5) An additional thirteen cents per ton through June 30, 2578
2026, the proceeds of which shall be deposited in the state 2579
treasury to the credit of the national priority list remedial 2580
support fund created in section 3734.58 of the Revised Code. 2581

(6) An additional one dollar per ton through June 30, 2582
2026, the proceeds of which shall be deposited in the state 2583

treasury to the credit of the local landfill oversight fund 2584
created in section 3734.579 of the Revised Code. 2585

In the case of solid wastes that are taken to a solid 2586
waste transfer facility located in this state prior to being 2587
transported for disposal at a solid waste disposal facility 2588
located in this state or outside of this state, the fees levied 2589
under this division shall be collected by the owner or operator 2590
of the transfer facility as a trustee for the state. The amount 2591
of fees required to be collected under this division at such a 2592
transfer facility shall equal the total tonnage of solid wastes 2593
received at the facility multiplied by the fees levied under 2594
this division. In the case of solid wastes that are not taken to 2595
a solid waste transfer facility located in this state prior to 2596
being transported to a solid waste disposal facility, the fees 2597
shall be collected by the owner or operator of the solid waste 2598
disposal facility as a trustee for the state. The amount of fees 2599
required to be collected under this division at such a disposal 2600
facility shall equal the total tonnage of solid wastes received 2601
at the facility that was not previously taken to a solid waste 2602
transfer facility located in this state multiplied by the fees 2603
levied under this division. Fees levied under this division do 2604
not apply to materials separated from a mixed waste stream for 2605
recycling by a generator or materials removed from the solid 2606
waste stream through recycling, as "recycling" is defined in 2607
rules adopted under section 3734.02 of the Revised Code. 2608

The owner or operator of a solid waste transfer facility 2609
or disposal facility, as applicable, shall prepare and file with 2610
the director of environmental protection each month a return 2611
indicating the total tonnage of solid wastes received at the 2612
facility during that month and the total amount of the fees 2613
required to be collected under this division during that month. 2614

In addition, the owner or operator of a solid waste disposal 2615
facility shall indicate on the return the total tonnage of solid 2616
wastes received from transfer facilities located in this state 2617
during that month for which the fees were required to be 2618
collected by the transfer facilities. The monthly returns shall 2619
be filed on a form prescribed by the director. Not later than 2620
thirty days after the last day of the month to which a return 2621
applies, the owner or operator shall mail to the director the 2622
return for that month together with the fees required to be 2623
collected under this division during that month as indicated on 2624
the return or may submit the return and fees electronically in a 2625
manner approved by the director. If the return is filed and the 2626
amount of the fees due is paid in a timely manner as required in 2627
this division, the owner or operator may retain a discount of 2628
three-fourths of one per cent of the total amount of the fees 2629
that are required to be paid as indicated on the return. 2630

The owner or operator may request an extension of not more 2631
than thirty days for filing the return and remitting the fees, 2632
provided that the owner or operator has submitted such a request 2633
in writing to the director together with a detailed description 2634
of why the extension is requested, the director has received the 2635
request not later than the day on which the return is required 2636
to be filed, and the director has approved the request. If the 2637
fees are not remitted within thirty days after the last day of 2638
the month to which the return applies or are not remitted by the 2639
last day of an extension approved by the director, the owner or 2640
operator shall not retain the three-fourths of one per cent 2641
discount and shall pay an additional ten per cent of the amount 2642
of the fees for each month that they are late. For purposes of 2643
calculating the late fee, the first month in which fees are late 2644
begins on the first day after the deadline has passed for timely 2645

submitting the return and fees, and one additional month shall 2646
be counted every thirty days thereafter. 2647

The owner or operator of a solid waste facility may 2648
request a refund or credit of fees levied under this division 2649
and remitted to the director that have not been paid to the 2650
owner or operator. Such a request shall be made only if the fees 2651
have not been collected by the owner or operator, have become a 2652
debt that has become worthless or uncollectable for a period of 2653
six months or more, and may be claimed as a deduction, including 2654
a deduction claimed if the owner or operator keeps accounts on 2655
an accrual basis, under the "Internal Revenue Code of 1954," 68A 2656
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 2657
under it. Prior to making a request for a refund or credit, an 2658
owner or operator shall make reasonable efforts to collect the 2659
applicable fees. A request for a refund or credit shall not 2660
include any costs resulting from those efforts to collect unpaid 2661
fees. 2662

A request for a refund or credit of fees shall be made in 2663
writing, on a form prescribed by the director, and shall be 2664
supported by evidence that may be required in rules adopted by 2665
the director under this chapter. After reviewing the request, 2666
and if the request and evidence submitted with the request 2667
indicate that a refund or credit is warranted, the director 2668
shall grant a refund to the owner or operator or shall permit a 2669
credit to be taken by the owner or operator on a subsequent 2670
monthly return submitted by the owner or operator. The amount of 2671
a refund or credit shall not exceed an amount that is equal to 2672
ninety days' worth of fees owed to an owner or operator by a 2673
particular debtor of the owner or operator. A refund or credit 2674
shall not be granted by the director to an owner or operator 2675
more than once in any twelve-month period for fees owed to the 2676

owner or operator by a particular debtor. 2677

If, after receiving a refund or credit from the director, 2678
an owner or operator receives payment of all or part of the 2679
fees, the owner or operator shall remit the fees with the next 2680
monthly return submitted to the director together with a written 2681
explanation of the reason for the submittal. 2682

For purposes of computing the fees levied under this 2683
division or division (B) of this section, any solid waste 2684
transfer or disposal facility that does not use scales as a 2685
means of determining gate receipts shall use a conversion factor 2686
of three cubic yards per ton of solid waste or one cubic yard 2687
per ton for baled waste, as applicable. 2688

The fees levied under this division and divisions (B) and 2689
(C) of this section are in addition to all other applicable fees 2690
and taxes and shall be paid by the customer or a political 2691
subdivision to the owner or operator of a solid waste transfer 2692
or disposal facility. In the alternative, the fees shall be paid 2693
by a customer or political subdivision to a transporter of waste 2694
who subsequently transfers the fees to the owner or operator of 2695
such a facility. The fees shall be paid notwithstanding the 2696
existence of any provision in a contract that the customer or a 2697
political subdivision may have with the owner or operator or 2698
with a transporter of waste to the facility that would not 2699
require or allow such payment regardless of whether the contract 2700
was entered prior to or after October 16, 2009. For those 2701
purposes, "customer" means a person who contracts with, or 2702
utilizes the solid waste services of, the owner or operator of a 2703
solid waste transfer or disposal facility or a transporter of 2704
solid waste to such a facility. 2705

(B) For the purposes specified in division (G) of this 2706

section, the solid waste management policy committee of a county 2707
or joint solid waste management district may levy ~~fees~~ a fee of 2708
seven dollars and fifty cents per ton or three dollars and 2709
twenty-five cents per cubic yard upon the following activities: 2710

~~(1) The disposal at a solid waste disposal facility~~ 2711
~~located in the district of solid wastes generated within the~~ 2712
~~district;~~ 2713

~~(2) The disposal at a solid waste disposal facility within~~ 2714
~~the district of solid wastes generated outside the boundaries of~~ 2715
~~the district, but inside this state;~~ 2716

~~(3) The disposal at a solid waste disposal facility within~~ 2717
~~the district of solid wastes generated outside the boundaries of~~ 2718
~~this state, regardless of where the waste was generated.~~ 2719

The solid waste management plan of the county or joint 2720
district approved under section 3734.521 or 3734.55 of the 2721
Revised Code and any amendments to it, or the resolution adopted 2722
under this division, as appropriate, shall establish the ~~rates~~ 2723
~~of the fees levied under divisions (B) (1), (2), and (3) of this~~ 2724
~~section, if any, and shall fee and shall specify whether the~~ 2725
~~fees are fee is levied on the basis of tons or cubic yards as~~ 2726
the unit of measurement. A solid waste management district that 2727
levies ~~fees~~ a fee under this division on the basis of cubic 2728
yards shall do so in accordance with division (A) of this 2729
section. 2730

~~The fee levied under division (B) (1) of this section shall~~ 2731
~~be not less than one dollar per ton nor more than two dollars~~ 2732
~~per ton, the fee levied under division (B) (2) of this section~~ 2733
~~shall be not less than two dollars per ton nor more than four~~ 2734
~~dollars per ton, and the fee levied under division (B) (3) of~~ 2735

~~this section shall be not more than the fee levied under~~ 2736
~~division (B) (1) of this section.~~ 2737

Prior to the approval of the solid waste management plan 2738
of a district under section 3734.55 of the Revised Code, the 2739
solid waste management policy committee of a district may levy 2740
~~fees~~ the fee under this division by adopting a resolution 2741
establishing the ~~proposed amount of the fees~~ fee. Upon adopting 2742
the resolution, the committee shall deliver a copy of the 2743
resolution to the board of county commissioners of each county 2744
forming the district and to the legislative authority of each 2745
municipal corporation and township under the jurisdiction of the 2746
district and shall prepare and publish the resolution and a 2747
notice of the time and location where a public hearing on the 2748
~~fees~~ fee will be held. Upon adopting the resolution, the 2749
committee shall deliver written notice of the adoption of the 2750
resolution; of the amount of the ~~proposed fees~~ fee; and of the 2751
date, time, and location of the public hearing to the director 2752
and to the fifty industrial, commercial, or institutional 2753
generators of solid wastes within the district that generate the 2754
largest quantities of solid wastes, as determined by the 2755
committee, and to their local trade associations. The committee 2756
shall make good faith efforts to identify those generators 2757
within the district and their local trade associations, but the 2758
nonprovision of notice under this division to a particular 2759
generator or local trade association does not invalidate the 2760
proceedings under this division. The publication shall occur at 2761
least thirty days before the hearing. After the hearing, the 2762
committee ~~may make such revisions to the proposed fees as it~~ 2763
~~considers appropriate and thereafter, by resolution,~~ shall 2764
either adopt or reject the ~~revised fee schedule~~. Upon adopting 2765
the ~~revised fee schedule~~, the committee shall deliver a copy of 2766

the resolution doing so to the board of county commissioners of 2767
each county forming the district and to the legislative 2768
authority of each municipal corporation and township under the 2769
jurisdiction of the district. Within sixty days after the 2770
delivery of a copy of the resolution adopting the ~~proposed~~ 2771
~~revised fees fee~~ by the policy committee, each such board and 2772
legislative authority, by ordinance or resolution, shall approve 2773
or disapprove the ~~revised fees fee~~ and deliver a copy of the 2774
ordinance or resolution to the committee. If any such board or 2775
legislative authority fails to adopt and deliver to the policy 2776
committee an ordinance or resolution approving or disapproving 2777
the ~~revised fees fee~~ within sixty days after the policy 2778
committee delivered its resolution adopting the proposed ~~revised~~ 2779
~~fees fee~~, it shall be conclusively presumed that the board or 2780
legislative authority has approved the proposed ~~revised fees~~fee. 2781
The committee shall determine if the resolution has been 2782
ratified in the same manner in which it determines if a draft 2783
solid waste management plan has been ratified under division (B) 2784
of section 3734.55 of the Revised Code. 2785

~~The committee may amend the schedule of fees levied~~ 2786
~~pursuant to a resolution adopted and ratified under this~~ 2787
~~division by adopting a resolution establishing the proposed~~ 2788
~~amount of the amended fees. The committee may repeal the fees~~ 2789
~~fee levied pursuant to such a resolution by adopting a~~ 2790
resolution proposing to repeal ~~them~~it. Upon adopting such a 2791
resolution, the committee shall proceed to obtain ratification 2792
of the resolution in accordance with this division. 2793

Not later than fourteen days after declaring the new ~~fees~~ 2794
fee to be ratified or the ~~fees~~fee to be repealed under this 2795
division, the committee shall notify by certified mail the owner 2796
or operator of each solid waste disposal facility that is 2797

required to collect the ~~fees~~fee of the ratification and the 2798
amount of the ~~fees~~fee or of the repeal of the ~~fees~~fee. 2799
Collection of ~~any fees~~the fee shall commence or collection of 2800
repealed ~~fees~~fee shall cease on the first day of the second 2801
month following the month in which notification is sent to the 2802
owner or operator. 2803

~~Fees~~A fee levied under this division also may be 2804
established,~~amended,~~ or repealed by a solid waste management 2805
policy committee through the adoption of a new district solid 2806
waste management plan, the adoption of an amended plan, or the 2807
amendment of the plan or amended plan in accordance with 2808
sections 3734.55 and 3734.56 of the Revised Code or the adoption 2809
or amendment of a district plan in connection with a change in 2810
district composition under section 3734.521 of the Revised Code. 2811

Not later than fourteen days after the director issues an 2812
order approving a district's solid waste management plan, 2813
amended plan, or amendment to a plan or amended plan that 2814
establishes,~~amends,~~ or repeals a ~~schedule of fees~~fee levied by 2815
the district, the committee shall notify by certified mail the 2816
owner or operator of each solid waste disposal facility that is 2817
required to collect the ~~fees~~fee of the approval of the plan or 2818
amended plan, or the amendment to the plan, as appropriate, and 2819
the amount of the ~~fees~~fee, if any. In the case of an initial or 2820
amended plan approved under section 3734.521 of the Revised Code 2821
in connection with a change in district composition, other than 2822
one involving the withdrawal of a county from a joint district, 2823
the committee, within fourteen days after the change takes 2824
effect pursuant to division (G) of that section, shall notify by 2825
certified mail the owner or operator of each solid waste 2826
disposal facility that is required to collect the ~~fees~~fee that 2827
the change has taken effect and of the amount of the ~~fees~~fee, if 2828

any. Collection of ~~any fees~~ the fee shall commence or collection 2829
of a repealed fees ~~fee~~ shall cease on the first day of the 2830
second month following the month in which notification is sent 2831
to the owner or operator. 2832

If, in the case of a change in district composition 2833
involving the withdrawal of a county from a joint district, the 2834
director completes the actions required under division (G) (1) or 2835
(3) of section 3734.521 of the Revised Code, as appropriate, 2836
forty-five days or more before the beginning of a calendar year, 2837
the policy committee of each of the districts resulting from the 2838
change that obtained the director's approval of an initial or 2839
amended plan in connection with the change, within fourteen days 2840
after the director's completion of the required actions, shall 2841
notify by certified mail the owner or operator of each solid 2842
waste disposal facility that is required to collect the 2843
district's ~~fees~~ fee that the change is to take effect on the 2844
first day of January immediately following the issuance of the 2845
notice and of the amount of the ~~fees or amended fees~~ fee levied 2846
under ~~divisions (B) (1) to (3)~~ division (B) of this section 2847
pursuant to the district's initial or amended plan as so 2848
approved or, if appropriate, the repeal of the district's ~~fees~~ 2849
fee by that initial or amended plan. Collection of any ~~fees~~ fee 2850
set forth in such a plan or amended plan shall commence on the 2851
first day of January immediately following the issuance of the 2852
notice. If such an initial or amended plan repeals a ~~schedule of~~ 2853
~~fees~~ fee, collection ~~of the fees~~ shall cease on that first day of 2854
January. 2855

If, in the case of a change in district composition 2856
involving the withdrawal of a county from a joint district, the 2857
director completes the actions required under division (G) (1) or 2858
(3) of section 3734.521 of the Revised Code, as appropriate, 2859

less than forty-five days before the beginning of a calendar 2860
year, the director, on behalf of each of the districts resulting 2861
from the change that obtained the director's approval of an 2862
initial or amended plan in connection with the change 2863
proceedings, shall notify by certified mail the owner or 2864
operator of each solid waste disposal facility that is required 2865
to collect the district's ~~fees-fee~~ that the change is to take 2866
effect on the first day of January immediately following the 2867
mailing of the notice and of the amount of the ~~fees-or-amended-~~ 2868
~~fees-fee~~ levied under ~~divisions (B) (1) to (3)~~ division (B) of 2869
this section pursuant to the district's initial or amended plan 2870
as so approved or, if appropriate, the repeal of the district's 2871
~~fees-fee~~ by that initial or amended plan. Collection of any ~~fees-~~ 2872
~~fee~~ set forth in such a plan or amended plan shall commence on 2873
the first day of the second month following the month in which 2874
notification is sent to the owner or operator. If such an 2875
initial or amended plan repeals a ~~schedule of fees~~ fee, 2876
collection ~~of the fees~~ shall cease on the first day of the 2877
second month following the month in which notification is sent 2878
to the owner or operator. 2879

If ~~the schedule of fees-a fee~~ that a solid waste 2880
management district is levying under ~~divisions (B) (1) to (3)-~~ 2881
division (B) of this section is ~~amended or repealed~~, the ~~fees-~~ 2882
fee in effect immediately prior to the ~~amendment or repeal~~ shall 2883
continue to be collected until collection of the ~~amended fees-~~ 2884
~~commences or collection of the repealed fees-fee~~ ceases, ~~as-~~ 2885
~~applicable~~, as specified in this division. In the case of a 2886
change in district composition, money so received from the 2887
collection of the fees of the former districts shall be divided 2888
among the resulting districts in accordance with division ~~(B)-~~ 2889
(E) of section 343.012 of the Revised Code and the agreements 2890

entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

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

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

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a

certified copy of the ordinance or resolution to the board of 2921
county commissioners or directors of the county or joint solid 2922
waste management district in which the municipal corporation or 2923
township is located or, if a regional solid waste management 2924
authority has been formed under section 343.011 of the Revised 2925
Code, to the board of trustees of that regional authority, the 2926
owner or operator of each solid waste disposal facility in the 2927
municipal corporation or township that is required to collect 2928
the fee by the ordinance or resolution, and the director of 2929
environmental protection. Although the fees levied under this 2930
division are levied on the basis of tons as the unit of 2931
measurement, the legislative authority, in its ordinance or 2932
resolution levying the fees under this division, may direct that 2933
the fees be levied on the basis of cubic yards as the unit of 2934
measurement based upon a conversion factor of three cubic yards 2935
per ton generally or one cubic yard per ton for baled wastes. 2936

Not later than five days after enacting an ordinance or 2937
adopting a resolution under this division, the legislative 2938
authority shall so notify by certified mail the owner or 2939
operator of each solid waste disposal facility that is required 2940
to collect the fee. Collection of any fee levied on or after 2941
March 24, 1992, shall commence on the first day of the second 2942
month following the month in which notification is sent to the 2943
owner or operator. 2944

(D) (1) The fees levied under divisions (A), (B), and (C) 2945
of this section do not apply to the disposal of solid wastes 2946
that: 2947

(a) Are disposed of at a facility owned by the generator 2948
of the wastes when the solid waste facility exclusively disposes 2949
of solid wastes generated at one or more premises owned by the 2950

generator regardless of whether the facility is located on a 2951
premises where the wastes are generated; 2952

(b) Are generated from the combustion of coal, or from the 2953
combustion of primarily coal, regardless of whether the disposal 2954
facility is located on the premises where the wastes are 2955
generated; 2956

(c) Are asbestos or asbestos-containing materials or 2957
products disposed of at a construction and demolition debris 2958
facility that is licensed under Chapter 3714. of the Revised 2959
Code or at a solid waste facility that is licensed under this 2960
chapter. 2961

(2) Except as provided in section 3734.571 of the Revised 2962
Code, any ~~fees~~ fee levied under division ~~(B) (1)~~ (B) of this 2963
section ~~apply~~ applies to solid wastes originating outside the 2964
boundaries of a county or joint district that are covered by an 2965
agreement for the joint use of solid waste facilities entered 2966
into under section 343.02 of the Revised Code by the board of 2967
county commissioners or board of directors of the county or 2968
joint district where the wastes are generated and disposed of. 2969

(3) When solid wastes, other than solid wastes that 2970
consist of scrap tires, are burned in a disposal facility that 2971
is an incinerator or energy recovery facility, the fees levied 2972
under divisions (A), (B), and (C) of this section shall be 2973
levied upon the disposal of the fly ash and bottom ash remaining 2974
after burning of the solid wastes and shall be collected by the 2975
owner or operator of the sanitary landfill where the ash is 2976
disposed of. 2977

(4) When solid wastes are delivered to a solid waste 2978
transfer facility, the fees levied under divisions (B) and (C) 2979

of this section shall be levied upon the disposal of solid 2980
wastes transported off the premises of the transfer facility for 2981
disposal and shall be collected by the owner or operator of the 2982
solid waste disposal facility where the wastes are disposed of. 2983

(5) The fees levied under divisions (A), (B), and (C) of 2984
this section do not apply to sewage sludge that is generated by 2985
a waste water treatment facility holding a national pollutant 2986
discharge elimination system permit and that is disposed of 2987
through incineration, land application, or composting or at 2988
another resource recovery or disposal facility that is not a 2989
landfill. 2990

(6) The fees levied under divisions (A), (B), and (C) of 2991
this section do not apply to solid wastes delivered to a solid 2992
waste composting facility for processing. When any unprocessed 2993
solid waste or compost product is transported off the premises 2994
of a composting facility and disposed of at a landfill, the fees 2995
levied under divisions (A), (B), and (C) of this section shall 2996
be collected by the owner or operator of the landfill where the 2997
unprocessed waste or compost product is disposed of. 2998

(7) When solid wastes that consist of scrap tires are 2999
processed at a scrap tire recovery facility, the fees levied 3000
under divisions (A), (B), and (C) of this section shall be 3001
levied upon the disposal of the fly ash and bottom ash or other 3002
solid wastes remaining after the processing of the scrap tires 3003
and shall be collected by the owner or operator of the solid 3004
waste disposal facility where the ash or other solid wastes are 3005
disposed of. 3006

(8) The director of environmental protection may issue an 3007
order exempting from the fees levied under this section solid 3008
wastes, including, but not limited to, scrap tires, that are 3009

generated, transferred, or disposed of as a result of a contract 3010
providing for the expenditure of public funds entered into by 3011
the administrator or regional administrator of the United States 3012
environmental protection agency, the director of environmental 3013
protection, or the director of administrative services on behalf 3014
of the director of environmental protection for the purpose of 3015
remediating conditions at a hazardous waste facility, solid 3016
waste facility, or other location at which the administrator or 3017
regional administrator or the director of environmental 3018
protection has reason to believe that there is a substantial 3019
threat to public health or safety or the environment or that the 3020
conditions are causing or contributing to air or water pollution 3021
or soil contamination. An order issued by the director of 3022
environmental protection under division (D) (8) of this section 3023
shall include a determination that the amount of the fees not 3024
received by a solid waste management district as a result of the 3025
order will not adversely impact the implementation and financing 3026
of the district's approved solid waste management plan and any 3027
approved amendments to the plan. Such an order is a final action 3028
of the director of environmental protection. 3029

(E) The fees levied under divisions (B) and (C) of this 3030
section shall be collected by the owner or operator of the solid 3031
waste disposal facility where the wastes are disposed of as a 3032
trustee for the county or joint district and municipal 3033
corporation or township where the wastes are disposed of. ~~Moneys~~ 3034
Money from the ~~fees-fee~~ levied under division (B) of this 3035
section shall be forwarded to the board of county commissioners 3036
or board of directors of the district in accordance with rules 3037
adopted under division (H) of this section. Moneys from the fees 3038
levied under division (C) of this section shall be forwarded to 3039
the treasurer or such other officer of the municipal corporation 3040

as, by virtue of the charter, has the duties of the treasurer or 3041
to the fiscal officer of the township, as appropriate, in 3042
accordance with those rules. 3043

(F) Moneys received by the treasurer or other officer of 3044
the municipal corporation under division (E) of this section 3045
shall be paid into the general fund of the municipal 3046
corporation. Moneys received by the fiscal officer of the 3047
township under that division shall be paid into the general fund 3048
of the township. The treasurer or other officer of the municipal 3049
corporation or the township fiscal officer, as appropriate, 3050
shall maintain separate records of the moneys received from the 3051
fees levied under division (C) of this section. 3052

(G) Moneys received by the board of county commissioners 3053
or board of directors under division (E) of this section or 3054
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 3055
Code shall be paid to the county treasurer, or other official 3056
acting in a similar capacity under a county charter, in a county 3057
district or to the county treasurer or other official designated 3058
by the board of directors in a joint district and kept in a 3059
separate and distinct fund to the credit of the district. If a 3060
regional solid waste management authority has been formed under 3061
section 343.011 of the Revised Code, moneys received by the 3062
board of trustees of that regional authority under division (E) 3063
of this section shall be kept by the board in a separate and 3064
distinct fund to the credit of the district. Moneys in the 3065
special fund of the county or joint district arising from the 3066
~~fees~~fee levied under division (B) of this section and the fee 3067
levied under division (A) of section 3734.573 of the Revised 3068
Code shall be expended by the board of county commissioners or 3069
directors of the district in accordance with the district's 3070
solid waste management plan or amended plan approved under 3071

section 3734.521, 3734.55, or 3734.56 of the Revised Code	3072
exclusively for the following purposes:	3073
(1) Preparation of the solid waste management plan of the	3074
district under section 3734.54 of the Revised Code, monitoring	3075
implementation of the plan, and conducting the periodic review	3076
and amendment of the plan required by section 3734.56 of the	3077
Revised Code by the solid waste management policy committee;	3078
(2) Implementation of the approved solid waste management	3079
plan or amended plan of the district, including, without	3080
limitation, the development and implementation of solid waste	3081
recycling or reduction programs;	3082
(3) Providing financial assistance to boards of health	3083
within the district, if solid waste facilities are located	3084
within the district, for enforcement of this chapter and rules,	3085
orders, and terms and conditions of permits, licenses, and	3086
variances adopted or issued under it, other than the hazardous	3087
waste provisions of this chapter and rules adopted and orders	3088
and terms and conditions of permits issued under those	3089
provisions;	3090
(4) Providing financial assistance to each county within	3091
the district to defray the added costs of maintaining roads and	3092
other public facilities and of providing emergency and other	3093
public services resulting from the location and operation of a	3094
solid waste facility within the county under the district's	3095
approved solid waste management plan or amended plan;	3096
(5) Pursuant to contracts entered into with boards of	3097
health within the district, if solid waste facilities contained	3098
in the district's approved plan or amended plan are located	3099
within the district, for paying the costs incurred by those	3100

boards of health for collecting and analyzing samples from 3101
public or private water wells on lands adjacent to those 3102
facilities; 3103

(6) Developing and implementing a program for the 3104
inspection of solid wastes generated outside the boundaries of 3105
this state that are disposed of at solid waste facilities 3106
included in the district's approved solid waste management plan 3107
or amended plan; 3108

(7) Providing financial assistance to boards of health 3109
within the district for the enforcement of section 3734.03 of 3110
the Revised Code or to local law enforcement agencies having 3111
jurisdiction within the district for enforcing anti-littering 3112
laws and ordinances; 3113

(8) Providing financial assistance to boards of health of 3114
health districts within the district that are on the approved 3115
list under section 3734.08 of the Revised Code to defray the 3116
costs to the health districts for the participation of their 3117
employees responsible for enforcement of the solid waste 3118
provisions of this chapter and rules adopted and orders and 3119
terms and conditions of permits, licenses, and variances issued 3120
under those provisions in the training and certification program 3121
as required by rules adopted under division (L) of section 3122
3734.02 of the Revised Code; 3123

(9) Providing financial assistance to individual municipal 3124
corporations and townships within the district to defray their 3125
added costs of maintaining roads and other public facilities and 3126
of providing emergency and other public services resulting from 3127
the location and operation within their boundaries of a 3128
composting, energy or resource recovery, incineration, or 3129
recycling facility that either is owned by the district or is 3130

furnishing solid waste management facility or recycling services 3131
to the district pursuant to a contract or agreement with the 3132
board of county commissioners or directors of the district; 3133

(10) Payment of any expenses that are agreed to, awarded, 3134
or ordered to be paid under section 3734.35 of the Revised Code 3135
and of any administrative costs incurred pursuant to that 3136
section. In the case of a joint solid waste management district, 3137
if the board of county commissioners of one of the counties in 3138
the district is negotiating on behalf of affected communities, 3139
as defined in that section, in that county, the board shall 3140
obtain the approval of the board of directors of the district in 3141
order to expend moneys for administrative costs incurred. 3142

Prior to the approval of the district's solid waste 3143
management plan under section 3734.55 of the Revised Code, 3144
moneys in the special fund of the district arising from the fees 3145
shall be expended for those purposes in the manner prescribed by 3146
the solid waste management policy committee by resolution. 3147

~~Notwithstanding division (G) (6) of this section as it 3148
existed prior to October 29, 1993, or any provision in a 3149
district's solid waste management plan prepared in accordance 3150
with division (B) (2) (c) of section 3734.53 of the Revised Code 3151
as it existed prior to that date, any moneys arising from the 3152
fees levied under division (B) (3) of this section prior to 3153
January 1, 1994, may be expended for any of the purposes 3154
authorized in divisions (G) (1) to (10) of this section. 3155~~

(H) The director shall adopt rules in accordance with 3156
Chapter 119. of the Revised Code prescribing procedures for 3157
collecting and forwarding the fees levied under divisions (B) 3158
and (C) of this section to the boards of county commissioners or 3159
directors of county or joint solid waste management districts 3160

and to the treasurers or other officers of municipal 3161
corporations and the fiscal officers of townships. The rules 3162
also shall prescribe the dates for forwarding the fees to the 3163
boards and officials and may prescribe any other requirements 3164
the director considers necessary or appropriate to implement and 3165
administer divisions (A), (B), and (C) of this section. 3166

Sec. 3734.571. If no solid waste disposal facilities are 3167
located within a county or joint solid waste management district 3168
that has entered into, or proposes to enter into, an agreement 3169
with another county or joint solid waste management district 3170
under section 343.02 of the Revised Code for the joint use of 3171
solid waste facilities, the latter district may levy ~~fees~~ a fee 3172
under division ~~(B)(2)~~ (B) of section 3734.57 of the Revised Code 3173
on the disposal of solid wastes at solid waste disposal 3174
facilities within its boundaries that were generated within the 3175
former district. Such a district may levy those fees regardless 3176
of whether it is levying fees under division (B) of section 3177
3734.57 of the Revised Code pursuant to that division or 3178
division (A) or (D) of section 3734.574 of the Revised Code. 3179
~~Moneys so collected that equal the difference between the fees~~ 3180
~~that the~~ The generating district shall receive half of such fees 3181
collected by the receiving district ~~otherwise would have levied~~ 3182
~~on the disposal of those wastes under division (B)(1) of section~~ 3183
~~3734.57 of the Revised Code and the fees that it levies on the~~ 3184
~~disposal of those wastes under division (B)(2) of that section~~ 3185
~~shall be used by the~~ . The generating district shall use such 3186
fees for the purposes specified in divisions (G)(1) and (2) of 3187
that section. 3188

The agreement between the districts for the joint use of 3189
solid waste facilities shall provide or shall be amended to 3190
provide for all of the following, without limitation: 3191

(A) Responsibility for monitoring the amount of solid wastes disposed of in the receiving district that were generated in the district without disposal facilities;	3192 3193 3194
(B) Levying and collection of the fees authorized under this section in accordance with section 3734.57 of the Revised Code;	3195 3196 3197
(C) A schedule for the remission to the generating district of the portion of the disposal fees that are due it under this section;	3198 3199 3200
(D) Interest to be paid by the receiving district to the generating district if the former fails to remit the disposal fees in accordance with the schedule required under division (B) of this section;	3201 3202 3203 3204
(E) Periodic review of the amount of moneys collected in accordance with this section and the provisions of the agreement required under this section to determine their adequacy.	3205 3206 3207
Sec. 3734.572. (A) For the purpose of defraying the cost of preparing, adopting, submitting, and implementing the initial solid waste management plan and subsequent amended plans of a solid waste management district that are required to be prepared, adopted, and submitted to the director of environmental protection under sections 3734.54 and 3734.56 of the Revised Code, respectively, and for paying the costs incurred by a board of health in inspecting any solid waste transfer facility located in the district, the solid waste management policy committee of the district established in accordance with section 3734.54 of the Revised Code may levy a fee of not more than fifty cents per ton on the disposal of solid wastes generated within the district that are disposed of	3208 3209 3210 3211 3212 3213 3214 3215 3216 3217 3218 3219 3220

at any solid waste disposal facility, located in another solid 3221
waste management district, that the former district has notified 3222
under division (B) of this section if no solid waste disposal 3223
facilities are located within the former district. 3224

The committee may levy a disposal fee under this division 3225
by adopting a resolution establishing the proposed fee. The 3226
resolution shall contain a proposed budget showing by major 3227
expenditure categories the uses of all of the moneys that will 3228
be generated by the proposed fee. The resolution shall be 3229
approved or disapproved and, if the resolution is approved, the 3230
fee shall be ratified in accordance with the procedures 3231
established under division (B) of section 3734.57 of the Revised 3232
Code governing resolutions levying a disposal fees-fee under 3233
that division. 3234

(B) A solid waste management policy committee that is 3235
levying a fee under division (A) of this section, immediately 3236
following ratification of the resolution levying the fee, may 3237
notify by certified mail the owner or operator of any solid 3238
waste disposal facility where those wastes will be disposed of 3239
that the district is levying that fee. An owner or operator 3240
receiving notice under this division shall monitor the amount of 3241
solid wastes disposed of at his the owner's or operator's 3242
facility that were generated in the district levying that fee 3243
and shall collect and forward the fee in accordance with section 3244
3734.57 of the Revised Code. Collection of the fee shall 3245
commence not sooner than fifteen days after notification is sent 3246
to the owner or operator. 3247

An owner or operator that collects a fee under this 3248
division may retain one per cent of the moneys so collected to 3249
pay administrative costs incurred under this section. Any owner 3250

or operator who chooses to retain those moneys shall so notify 3251
the board of county commissioners or board of directors of the 3252
district in which ~~his~~ the owner's or operator's facility is 3253
located. 3254

A solid waste management policy committee that is levying 3255
a fee under division (A) of this section shall so notify the 3256
solid waste management policy committee of each solid waste 3257
management district in which any solid waste disposal facility 3258
that has been notified under this division is located. 3259

(C) Moneys received by a district levying a fee under 3260
division (A) of this section shall be credited to the fund of 3261
the district created in division (G) of section 3734.57 of the 3262
Revised Code and shall be used exclusively for the purpose of 3263
defraying the cost of preparing, adopting, submitting, and 3264
implementing the initial solid waste management plan and 3265
subsequent amended plans of the district, including, without 3266
limitation, any costs incurred by the committee for that purpose 3267
prior to the collection of fees under this section, and for 3268
paying the costs incurred by a board of health in inspecting any 3269
solid waste transfer facility located in the district. 3270

(D) If a solid waste disposal facility commences operation 3271
within a district levying a fee under division (A) of this 3272
section, collection of that fee shall cease on the date on which 3273
the facility commences operation. 3274

(E) If a regional solid waste management authority has 3275
been formed under section 343.011 of the Revised Code for the 3276
purpose of managing a solid waste management district, all the 3277
duties and responsibilities imposed on or granted to a solid 3278
waste management policy committee under this section shall be 3279
vested in or exercised by the board of trustees of the regional 3280

authority. Any reference in this section to a solid waste 3281
management policy committee or to a board of county 3282
commissioners or directors of a county or joint district is 3283
deemed to include the board of trustees of a regional solid 3284
waste management authority. 3285

Sec. 3734.573. (A) For the purposes specified in division 3286
(G) of section 3734.57 of the Revised Code, the solid waste 3287
management policy committee of a county or joint solid waste 3288
management district may levy a fee on the generation of solid 3289
wastes within the district. 3290

The initial or amended solid waste management plan of the 3291
county or joint district approved under section 3734.521, 3292
3734.55, or 3734.56 of the Revised Code, an amendment to the 3293
district's plan adopted under division (E) of section 3734.56 of 3294
the Revised Code, or the resolution adopted and ratified under 3295
division (B) of this section shall establish the rate of the fee 3296
levied under this division and shall specify whether the fee is 3297
levied on the basis of tons or cubic yards as the unit of 3298
measurement. 3299

(B) Prior to the approval under division (A) of section 3300
3734.56 of the Revised Code of the first amended plan that the 3301
district is required to submit for approval under that section, 3302
the approval of an initial plan under section 3734.521 of the 3303
Revised Code, the approval of an amended plan under section 3304
3734.521 or division (D) of section 3734.56 of the Revised Code, 3305
or the amendment of the district's plan under division (E) of 3306
section 3734.56 of the Revised Code, the solid waste management 3307
policy committee of a county or joint district that is operating 3308
under an initial plan approved under section 3734.55 of the 3309
Revised Code, or one for which approval of its initial plan is 3310

pending before the director of environmental protection on 3311
October 29, 1993, under section 3734.55 of the Revised Code, may 3312
levy a fee under division (A) of this section by adopting and 3313
obtaining ratification of a resolution establishing the amount 3314
of the fee. A policy committee that, after December 1, 1993, 3315
concurrently proposes to levy a fee under division (A) of this 3316
section and to ~~amend the fees levied by the district~~ levy a fee 3317
under ~~divisions (B) (1) to (3)~~ division (B) of section 3734.57 of 3318
the Revised Code may adopt and obtain ratification of one 3319
resolution proposing to do both. The requirements and procedures 3320
set forth in division (B) of section 3734.57 of the Revised Code 3321
governing the adoption, ~~amendment,~~ and repeal of resolutions 3322
levying ~~fees~~ a fee under ~~divisions~~ division (B) ~~(1) to (3)~~ of 3323
that section, the ratification of those resolutions, and the 3324
notification of owners and operators of solid waste facilities 3325
required to collect fees levied under ~~those divisions~~ govern 3326
that division governs the adoption of the resolutions authorized 3327
to be adopted under this division, the ratification thereof, and 3328
the notification of owners and operators required to collect the 3329
~~fees~~ fee, except as otherwise specifically provided in division 3330
(C) of this section. 3331

(C) Any initial or amended plan of a district adopted 3332
under section 3734.521 or 3734.56 of the Revised Code, or 3333
resolution adopted under division (B) of this section, that 3334
proposes to levy a fee under division (A) of this section that 3335
exceeds five dollars per ton shall be ratified in accordance 3336
with the provisions of section 3734.55 or division (B) of 3337
section 3734.57 of the Revised Code, as applicable, except that 3338
such an initial or amended plan or resolution shall be approved 3339
by a combination of municipal corporations and townships with a 3340
combined population within the boundaries of the district 3341

comprising at least seventy-five per cent, rather than at least 3342
sixty per cent, of the total population of the district. 3343

(D) The policy committee of a county or joint district may 3344
amend the fee levied by the district under division (A) of this 3345
section by adopting and obtaining ratification of a resolution 3346
establishing the amount of the amended fee. The policy committee 3347
may abolish the fee or an amended fee established under this 3348
division by adopting and obtaining ratification of a resolution 3349
proposing to repeal it. The requirements and procedures under 3350
division (B) and, if applicable, division (C) of this section 3351
govern the adoption and ratification of a resolution authorized 3352
to be adopted under this division and the notification of owners 3353
and operators of solid waste facilities required to collect the 3354
fees. 3355

(E) Collection of a fee or amended fee levied under 3356
division (A) or (D) of this section shall commence or cease in 3357
accordance with division (B) of section 3734.57 of the Revised 3358
Code. If a district is levying a fee under section 3734.572 of 3359
the Revised Code, collection of that fee shall cease on the date 3360
on which collection of the fee levied under division (A) of this 3361
section commences in accordance with division (B) of section 3362
3734.57 of the Revised Code. 3363

(F) In the case of solid wastes that are taken to a solid 3364
waste transfer facility prior to being transported to a solid 3365
waste disposal facility for disposal, the fee levied under 3366
division (A) of this section shall be collected by the owner or 3367
operator of the transfer facility as a trustee for the district. 3368
In the case of solid wastes that are not taken to a solid waste 3369
transfer facility prior to being transported to a solid waste 3370
disposal facility, the fee shall be collected by the owner or 3371

operator of the solid waste disposal facility where the wastes 3372
are disposed of. An owner or operator of a solid waste transfer 3373
or disposal facility who is required to collect the fee shall 3374
collect and forward the fee to the district in accordance with 3375
section 3734.57 of the Revised Code and rules adopted under 3376
division (H) of that section. 3377

If the owner or operator of a solid waste transfer or 3378
disposal facility who did not receive notice pursuant to 3379
division (B) of this section to collect the fee levied by a 3380
district under division (A) of this section receives solid 3381
wastes generated in the district, the owner or operator, within 3382
thirty days after receiving the wastes, shall send written 3383
notice of that fact to the board of county commissioners or 3384
directors of the district. Within thirty days after receiving 3385
such a notice, the board of county commissioners or directors 3386
shall send written notice to the owner or operator indicating 3387
whether the district is levying a fee under division (A) of this 3388
section and, if so, the amount of the fee. 3389

(G) Moneys received by a district levying a fee under 3390
division (A) of this section shall be credited to the special 3391
fund of the district created in division (G) of section 3734.57 3392
of the Revised Code and shall be used exclusively for the 3393
purposes specified in that division. Prior to the approval under 3394
division (A) of section 3734.56 of the Revised Code of the first 3395
amended plan that the district is required to submit for 3396
approval under that section, the approval of an initial plan 3397
under section 3734.521 of the Revised Code, the approval of an 3398
amended plan under that section or division (D) of section 3399
3734.56 of the Revised Code, or the amendment of the district's 3400
plan under division (E) of section 3734.56 of the Revised Code, 3401
moneys credited to the special fund arising from the fee levied 3402

pursuant to a resolution adopted and ratified under division (B) 3403
of this section shall be expended for those purposes in the 3404
manner prescribed by the solid waste management policy committee 3405
by resolution. 3406

(H) The fee levied under division (A) of this section does 3407
not apply to the management of solid wastes that: 3408

(1) Are disposed of at a facility owned by the generator 3409
of the wastes when the solid waste facility exclusively disposes 3410
of solid wastes generated at one or more premises owned by the 3411
generator regardless of whether the facility is located on a 3412
premises where the wastes were generated; 3413

(2) Are generated from the combustion of coal, or from the 3414
combustion of primarily coal, regardless of whether the disposal 3415
facility is located on the premises where the wastes are 3416
generated; 3417

(3) Are asbestos or asbestos-containing materials or 3418
products disposed of at a construction and demolition debris 3419
facility that is licensed under Chapter 3714. of the Revised 3420
Code or at a solid waste facility that is licensed under this 3421
chapter. 3422

(I) When solid wastes that are burned in a disposal 3423
facility that is an incinerator or energy recovery facility are 3424
delivered to a solid waste transfer facility prior to being 3425
transported to the incinerator or energy recovery facility where 3426
they are burned, the fee levied under division (A) of this 3427
section shall be levied on the wastes delivered to the transfer 3428
facility. 3429

(J) When solid wastes that are burned in a disposal 3430
facility that is an incinerator or energy recovery facility are 3431

not delivered to a solid waste transfer facility prior to being 3432
transported to the incinerator or energy recovery facility where 3433
they are burned, the fee levied under division (A) of this 3434
section shall be levied on the wastes delivered to the 3435
incinerator or energy recovery facility. 3436

(K) The fee levied under division (A) of this section does 3437
not apply to sewage sludge that is generated by a waste water 3438
treatment facility holding a national pollutant discharge 3439
elimination system permit and that is disposed of through 3440
incineration, land application, or composting or at another 3441
resource recovery or disposal facility that is not a landfill. 3442

(L) The fee levied under division (A) of this section does 3443
not apply to solid waste delivered to a solid waste composting 3444
facility for processing. If any unprocessed solid waste or 3445
compost product is transported off the premises of a composting 3446
facility for disposal at a landfill, the fee levied under 3447
division (A) of this section applies and shall be collected by 3448
the owner or operator of the landfill. 3449

(M) The fee levied under division (A) of this section does 3450
not apply to materials separated from a mixed waste stream for 3451
recycling by the generator or materials removed from the solid 3452
waste stream as a result of recycling, as "recycling" is defined 3453
in rules adopted under section 3734.02 of the Revised Code. 3454

(N) The director of environmental protection may issue an 3455
order exempting from the fees levied under this section solid 3456
wastes, including, but not limited to, scrap tires, that are 3457
generated, transferred, or disposed of as a result of a contract 3458
providing for the expenditure of public funds entered into by 3459
the administrator or regional administrator of the United States 3460
environmental protection agency, the director of environmental 3461

protection, or the director of administrative services on behalf 3462
of the director of environmental protection for the purpose of 3463
remediating conditions at a hazardous waste facility, solid 3464
waste facility, or other location at which the administrator or 3465
regional administrator or the director of environmental 3466
protection has reason to believe that there is a substantial 3467
threat to public health or safety or the environment or that the 3468
conditions are causing or contributing to air or water pollution 3469
or soil contamination. An order issued by the director of 3470
environmental protection under this division shall include a 3471
determination that the amount of fees not received by a solid 3472
waste management district as a result of the order will not 3473
adversely impact the implementation and financing of the 3474
district's approved solid waste management plan and any approved 3475
amendments to the plan. Such an order is a final action of the 3476
director of environmental protection. 3477

Sec. 3734.574. (A) (1) A county or joint solid waste 3478
management district that is levying ~~fees~~a fee under division 3479
(B) of section 3734.57 of the Revised Code on October 29, 1993, 3480
pursuant to a resolution adopted under that division and former 3481
Section 25 of Am. Sub. S.B. 359 of the 119th general assembly, 3482
or one that is levying ~~those fees~~that fee pursuant to such a 3483
resolution and for which the director of environmental 3484
protection disapproves the initial solid waste management plan 3485
of the district under section 3734.55 of the Revised Code on or 3486
after October 29, 1993, may continue to ~~levy those fees~~levy 3487
that fee until the district abolishes them under division (D) of 3488
this section, the director issues an order under division (F) of 3489
this section requiring the district to cease levying the 3490
~~fees~~fee, or the district obtains approval of its own plan under 3491
section 3734.521 or 3734.56 of the Revised Code and collection 3492

of the ~~fees~~fee established in the approved plan commences in 3493
accordance with division (B) of section 3734.57 of the Revised 3494
Code. 3495

(2) A county or joint solid waste management district that 3496
is levying ~~fees~~a fee under division (B) of section 3734.57 of 3497
the Revised Code or division (A) of section 3734.573 of the 3498
Revised Code under an initial or amended solid waste management 3499
plan approved under section 3734.521, 3734.55, or 3734.56 of the 3500
Revised Code when the director issues an order under division 3501
(D) or (F) of section 3734.521 of the Revised Code or division 3502
(A) or (B) of section 3734.56 of the Revised Code requiring the 3503
district to implement an amended plan prepared by the director, 3504
may continue to levy those fees until the district abolishes 3505
them under division (D) of this section, the director issues an 3506
order under division (F) of this section requiring the district 3507
to cease levying the ~~fees~~fee, or the district obtains approval 3508
of its own plan or amended plan under section 3734.521 or 3509
3734.56 of the Revised Code and collection of the ~~fees~~fee 3510
established in the approved plan or amended plan commences in 3511
accordance with division (B) of section 3734.57 of the Revised 3512
Code. 3513

(B) The solid waste management policy committee of a 3514
county or joint district described in division (A)(1) of this 3515
section may ~~a~~ levy a fee under division (A) of section 3734.573 3516
of the Revised Code by adopting and obtaining ratification of a 3517
resolution establishing the amount of the fee. The policy 3518
committee of such a district that, after December 1, 1993, 3519
concurrently proposes to levy a fee under division (A) of 3520
section 3734.573 of the Revised Code and to ~~amend the fees that~~ 3521
~~the district is levying~~ levy a fee under division (B) of section 3522
3734.57 of the Revised Code may adopt and obtain ratification of 3523

one resolution to do both. A county or joint district that is 3524
ordered under division (D) or (F) of section 3734.521 of the 3525
Revised Code to implement an initial plan prepared by the 3526
director may levy ~~fees~~ a fee under division (B) of section 3527
3734.57 of the Revised Code or division (A) of section 3734.573 3528
of the Revised Code by adopting and obtaining ratification of a 3529
resolution specifying which of the fees are to be levied and 3530
their amounts. The requirements and procedures set forth in 3531
division (B) of section 3734.57 of the Revised Code governing 3532
the adoption of resolutions levying fees under that division, 3533
the ratification of those resolutions, and the notification of 3534
owners and operators of solid waste facilities required to 3535
collect fees under those divisions govern the adoption and 3536
ratification of resolutions levying fees under this division and 3537
the notification of owners and operators required to collect the 3538
fees levied under this division, except as otherwise 3539
specifically provided in division (C) of this section. Any such 3540
district may levy fees under this division until the district 3541
abolishes the fees under division (D) of this section, the 3542
director issues an order under division (F) of this section 3543
requiring the district to cease levying the fees, or the 3544
district obtains approval of its own plan or amended plan under 3545
section 3734.521 or 3734.56 of the Revised Code and collection 3546
of the fees established in the approved plan or amended plan 3547
commences in accordance with division (B) of section 3734.57 of 3548
the Revised Code. 3549

(C) Any resolution adopted under division (B) of this 3550
section that proposes to levy a fee under division (A) of 3551
section 3734.573 of the Revised Code that exceeds five dollars 3552
per ton shall be ratified in accordance with the provisions of 3553
division (B) of section 3734.57 of the Revised Code, except that 3554

such a resolution shall be approved by a combination of 3555
municipal corporations and townships with a combined population 3556
within the boundaries of the district comprising at least 3557
seventy-five per cent, rather than at least sixty per cent, of 3558
the total population of the district. 3559

(D) The policy committee of a county or joint district may 3560
amend fees levied by the district under division (A) or (B) of 3561
this section by adopting and obtaining ratification of a 3562
resolution establishing the proposed amount of the amended fees. 3563
The committee may abolish any of those fees or any amended fees 3564
established under this division by adopting and obtaining 3565
ratification of a resolution repealing them. A district that is 3566
proposing at the same time to amend or abolish the fees levied 3567
under divisions (A) and (B) of this section may adopt one 3568
resolution proposing the amendment or repeal of all of the fees. 3569
The requirements and procedures under division (B) and, if 3570
applicable, division (C) of this section govern the adoption and 3571
ratification of a resolution authorized to be adopted under this 3572
division and the notification of owners and operators of solid 3573
waste facilities required to collect the fees. Collection of the 3574
fees so amended or abolished commences or ceases in accordance 3575
with division (B) of section 3734.57 of the Revised Code. 3576

(E) Not later than thirty days before the beginning of 3577
each calendar quarter, the board of county commissioners or 3578
board of directors of a district that is levying fees under 3579
division (A) or (B) of this section shall submit to the director 3580
a proposed budget for the expenditure of moneys from the special 3581
fund of the district created under division (G) of section 3582
3734.57 of the Revised Code. The proposed budget shall be 3583
submitted on a form prescribed by the director. 3584

The director may disapprove in whole or in part such a 3585
proposed quarterly budget for any of the following reasons: 3586

(1) The proposed budget includes expenditures for any 3587
purpose other than those authorized under divisions (G) (1) to 3588
(10) of section 3734.57 of the Revised Code; 3589

(2) The director reasonably estimates that there will be 3590
insufficient moneys in the special fund created to meet the 3591
proposed expenditures; 3592

(3) The board failed to submit the proposed budget to the 3593
director at least thirty days prior to the beginning of the 3594
calendar quarter to which it pertains; 3595

(4) The board failed to submit the latest report of 3596
quarterly expenditures from the fund that it was required to 3597
submit under section 3734.575 of the Revised Code within thirty 3598
days after the end of the calendar quarter to which it pertains; 3599

(5) The district is materially failing to comply with the 3600
implementation schedule contained in the plan or amended plan of 3601
the district prepared and ordered to be implemented under 3602
section 3734.521, 3734.55, or 3734.56 of the Revised Code; 3603

(6) There have been repeated inconsistencies between the 3604
expenditures projected in the proposed budgets submitted under 3605
division (E) of this section and actual expenditures from the 3606
fund. 3607

If the director does not disapprove a proposed quarterly 3608
budget prior to the first day of the calendar quarter to which 3609
it pertains, it is conclusively presumed that the proposed 3610
budget has not been disapproved. 3611

Nothing in division (E) of this section precludes the 3612

board of county commissioners or directors of a district from 3613
making necessary expenditures to meet unforeseen circumstances 3614
that occur during a calendar quarter that were not provided for 3615
in the proposed budget for that quarter. Prior to making any 3616
such expenditure, the board shall notify the director of the 3617
nature of the unforeseen circumstances and of the amount of the 3618
expenditure needed to meet them. The board shall include an 3619
explanation of the nature of the unforeseen circumstances and of 3620
the necessity and amount of the expenditures to meet them in the 3621
quarterly expenditure report for the quarter in which the 3622
expenditures were made that is submitted to the director under 3623
section 3734.575 of the Revised Code. 3624

(F) If the director finds that the board of county 3625
commissioners or directors of a district that is levying fees 3626
under division (A) or (B) of this section is in material and 3627
continued noncompliance with the implementation schedule 3628
contained in the plan or amended plan of the district prepared 3629
and ordered to be implemented under section 3734.521, 3734.55, 3630
or 3734.56 of the Revised Code, or if repeated whole or partial 3631
disapprovals of the proposed quarterly budgets of the district 3632
have occurred under division (E) of this section, the director 3633
may issue an order to the board terminating the collection of 3634
all of the fees levied by the district under division (A) or (B) 3635
of this section. 3636

Notwithstanding section 119.06 of the Revised Code, the 3637
director may issue an order under this division or disapprove in 3638
whole or in part a proposed budget under division (E) of this 3639
section by issuance of a final action that is effective upon 3640
issuance without the necessity to hold any adjudication hearing 3641
in connection with the order or disapproval and without the 3642
issuance of a proposed action under section 3745.07 of the 3643

Revised Code. 3644

(G) The director, in accordance with Chapter 119. of the 3645
Revised Code, may adopt, amend, suspend, and rescind such rules 3646
as the director considers to be necessary or appropriate to 3647
implement or administer this section or division (D) of section 3648
3734.55 of the Revised Code. 3649

(H) Moneys received by a district levying fees under 3650
division (A) or (B) of this section shall be credited to the 3651
special fund of the district created in division (G) of section 3652
3734.57 of the Revised Code and shall be used exclusively for 3653
the purposes set forth in divisions (G)(1) to (10) of that 3654
section in the manner prescribed by the solid waste management 3655
policy committee of the district by resolution and for the 3656
purposes of section 3734.551 of the Revised Code. 3657

Sec. 3734.579. (A) There is hereby created in the state 3658
treasury the local landfill oversight fund to be administered by 3659
the director of environmental protection. The fund shall consist 3660
of the money credited to it under division (A)(6) of section 3661
3734.57 of the Revised Code. Interest earned on the fund shall 3662
be credited to the fund. 3663

(B) At the beginning of each fiscal year, the director 3664
shall distribute money deposited in the fund during the prior 3665
fiscal year to each board of health on the approved list under 3666
section 3734.08 of the Revised Code that is responsible for the 3667
enforcement of the solid waste provisions of this chapter. The 3668
director shall distribute the money in proportionate amounts to 3669
each such board of health based on the amount of waste disposed 3670
of in the applicable solid waste management district in which 3671
the board of health is located. A board of health shall use 3672
money received under this section for the enforcement of the 3673

solid waste provisions of this chapter in the applicable solid 3674
waste management district. 3675

Sec. 3734.58. (A) There is created in the state treasury 3676
the national priority list remedial support fund. The fund shall 3677
consist of transfer and disposal fees paid into the fund under 3678
division (A) (5) of section 3734.57 of the Revised Code. 3679

(B) The director of environmental protection shall use the 3680
fund to pay for the state's removal and remedial actions and 3681
long term operation and maintenance costs or applicable cost 3682
shares for actions taken under the federal "Comprehensive 3683
Environmental Response, Compensation, and Liability Act of 3684
1980," 42 U.S.C. 9601, et seq. The director may use money in the 3685
fund to enter into contracts and grant agreements with federal, 3686
state, or local government agencies, nonprofit organizations, 3687
colleges, and universities to carry out the responsibilities of 3688
the environmental protection agency for which money may be 3689
expended from the fund. 3690

Section 2. That existing sections 343.01, 343.012, 3691
3714.07, 3714.071, 3714.073, 3734.44, 3734.521, 3734.53, 3692
3734.55, 3734.57, 3734.571, 3734.572, 3734.573, and 3734.574 of 3693
the Revised Code are hereby repealed. 3694