

As Passed by the Senate

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 119

Senator Reineke

Cosponsors: Senators Cirino, Johnson, Schaffer

A BILL

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

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

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

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

(1) Establish, by resolution, and maintain a county solid 16
waste management district under this chapter that consists of 17
all the incorporated and unincorporated territory within the 18

county except as otherwise provided in division (A) of this 19
section; 20

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

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

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

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

The agreement to establish and maintain a joint district 48
shall be ratified by resolution of the board of county 49
commissioners of each participating county. Upon ratification, 50
the board of directors shall take control of and manage the 51
joint district subject to this chapter, except that, in the case 52
of a joint district formed pursuant to division ~~(C)~~(H), ~~(D)~~(I), 53
or ~~(E)~~(J) of section 343.012 of the Revised Code, the board of 54
directors shall take control of and manage the district when the 55
formation of the district becomes final under the applicable 56
division. A majority of the board of directors constitutes a 57
quorum, and a majority vote is required for the board to act. 58

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

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

the joint district and to share in their compensation in any 79
manner that may be agreed upon. 80

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

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

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

The fiscal officer of a district shall establish a general 108

fund and any other necessary funds for the district. 109

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

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

made from the general fund or any other fund legally available 140
for that use at times that are agreed upon or as determined by 141
the board of county commissioners or directors, and the funds 142
may be reimbursed from the proceeds of bonds or notes issued to 143
pay the cost of any improvement to which the services related. 144

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

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

(2) The board of directors of a joint district may 169

designate the prosecuting attorney of one of the counties 170
forming the district to serve as the legal advisor of the 171
district. When so designated, the prosecuting attorney shall 172
provide such services to the joint district as are required or 173
authorized to be provided to county boards under Chapter 309. of 174
the Revised Code. The board of directors may pay to that county 175
any amount agreed upon by the board of directors and the board 176
of county commissioners of that county to reimburse that county 177
for the cost properly allocable to the services of its 178
prosecuting attorney as the legal advisor of the joint district. 179
When that prosecuting attorney is so serving and the board 180
considers it to be necessary or appropriate, the board, on its 181
own initiative, may employ an attorney or other legal counsel to 182
represent or advise the board regarding a particular matter in 183
place of the prosecuting attorney. 184

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

(F) A board of county commissioners may issue bonds or 198
bond anticipation notes of the county to pay the cost of 199
preparing general and detailed plans and other data required for 200

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

(G) To the extent authorized by the solid waste management 214
plan of the district approved under section 3734.521 or 3734.55 215
of the Revised Code or subsequent amended plans of the district 216
approved under section 3734.521 or 3734.56 of the Revised Code, 217
the board of county commissioners of a county district or board 218
of directors of a joint district may adopt, publish, and enforce 219
rules doing any of the following: 220

(1) Prohibiting or limiting the receipt of solid wastes 221
generated outside the district or outside a service area 222
prescribed in the solid waste management plan or amended plan, 223
at facilities located within the solid waste management 224
district, consistent with the projections contained in the plan 225
or amended plan under divisions (A) (6) and (7) of section 226
3734.53 of the Revised Code. However, rules adopted by a board 227
under division (G) (1) of this section may be adopted and 228
enforced with respect to solid waste disposal facilities in the 229
solid waste management district that are not owned by a county 230
or the solid waste management district only if the board submits 231

an application to the director of environmental protection that 232
demonstrates that there is insufficient capacity to dispose of 233
all solid wastes that are generated within the district at the 234
solid waste disposal facilities located within the district and 235
the director approves the application. The demonstration in the 236
application shall be based on projections contained in the plan 237
or amended plan of the district. The director shall establish 238
the form of the application. The approval or disapproval of such 239
an application by the director is an action that is appealable 240
under section 3745.04 of the Revised Code. 241

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

holding public office or employment with the commission; 444

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

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

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

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

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

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

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

(L) As used in this chapter: 514

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

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

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

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

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

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

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

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

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

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

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

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

(M) As used in this section: 602

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

existing joint districts" includes only the following: 1172

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

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

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

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

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

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

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

means: 1233

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

consistent grade. 1626

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

contract or agreement. 1838

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

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

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

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

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

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

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

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

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

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

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

division (F) (2) of this section. 1993

Any order issued by the director under division (F) (2) of 1994
this section also shall require the district to be formed 1995
pursuant to the order to implement the plan or amended plan 1996
prepared by the director in compliance with the implementation 1997
schedule contained in the plan. 1998

(G) ~~No~~ Subject to division (I) of this section, no 1999
proposed change in district composition shall become final until 2000
one of the following has occurred: 2001

(1) The director has approved the solid waste management 2002
plan of each newly formed district under section 3734.55 of the 2003
Revised Code and the amended plan of the remaining joint 2004
district, if any, under section 3734.56 of the Revised Code; 2005

(2) In the case of a joint district subject to division 2006
(D) of this section that failed to obtain approval of its plan 2007
or amended plan on or before the date required under that 2008
division, the director has prepared a plan or amended plan for 2009
the district and has issued an order to the district directing 2010
it to implement the plan or amended plan prepared by the 2011
director; 2012

(3) If the circumstances described in division (F) (1) of 2013
this section apply, the director has prepared a plan or amended 2014
plan for each of the districts involved that failed to obtain 2015
approval of its plan or amended plan on or before the date 2016
required under that division and has issued an order to each of 2017
them under that division directing the district to implement the 2018
plan prepared by the director, and the director has approved the 2019
plan or amended plan of each of the other proposed districts; 2020

(4) If the circumstances described in division (F) (2) of 2021

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) A strategy for identification of sites for the

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

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

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

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

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

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

be served by it. 2170

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

generated. 2771

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The proposed budget includes expenditures for any 3134

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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