

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 50

Senator Eklund

A BILL

To amend section 3734.57 of the Revised Code to
increase state solid waste disposal fee that is
deposited into the Soil and Water Conservation
District Assistance Fund, and to make an
appropriation. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3734.57 of the Revised Code be
amended to read as follows: 6
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Sec. 3734.57. (A) The following fees are hereby levied on
the transfer or disposal of solid wastes in this state: 8
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(1) Ninety cents per ton through June 30, 2020, twenty
cents of the proceeds of which shall be deposited in the state
treasury to the credit of the hazardous waste facility
management fund created in section 3734.18 of the Revised Code
and seventy cents of the proceeds of which shall be deposited in
the state treasury to the credit of the hazardous waste clean-up
fund created in section 3734.28 of the Revised Code; 10
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(2) An additional seventy-five cents per ton through June
30, 2020, the proceeds of which shall be deposited in the state
treasury to the credit of the waste management fund created in 17
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section 3734.061 of the Revised Code. 20

(3) An additional two dollars and eighty-five cents per 21
ton through June 30, 2020, the proceeds of which shall be 22
deposited in the state treasury to the credit of the 23
environmental protection fund created in section 3745.015 of the 24
Revised Code; 25

(4) An additional ~~twenty-five~~ fifty cents per ton through 26
June 30, 2020, the proceeds of which shall be deposited in the 27
state treasury to the credit of the soil and water conservation 28
district assistance fund created in section 940.15 of the 29
Revised Code. 30

In the case of solid wastes that are taken to a solid 31
waste transfer facility located in this state prior to being 32
transported for disposal at a solid waste disposal facility 33
located in this state or outside of this state, the fees levied 34
under this division shall be collected by the owner or operator 35
of the transfer facility as a trustee for the state. The amount 36
of fees required to be collected under this division at such a 37
transfer facility shall equal the total tonnage of solid wastes 38
received at the facility multiplied by the fees levied under 39
this division. In the case of solid wastes that are not taken to 40
a solid waste transfer facility located in this state prior to 41
being transported to a solid waste disposal facility, the fees 42
shall be collected by the owner or operator of the solid waste 43
disposal facility as a trustee for the state. The amount of fees 44
required to be collected under this division at such a disposal 45
facility shall equal the total tonnage of solid wastes received 46
at the facility that was not previously taken to a solid waste 47
transfer facility located in this state multiplied by the fees 48
levied under this division. Fees levied under this division do 49

not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

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

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

request not later than the day on which the return is required 81
to be filed, and the director has approved the request. If the 82
fees are not remitted within thirty days after the last day of 83
the month to which the return applies or are not remitted by the 84
last day of an extension approved by the director, the owner or 85
operator shall not retain the three-fourths of one per cent 86
discount and shall pay an additional ten per cent of the amount 87
of the fees for each month that they are late. For purposes of 88
calculating the late fee, the first month in which fees are late 89
begins on the first day after the deadline has passed for timely 90
submitting the return and fees, and one additional month shall 91
be counted every thirty days thereafter. 92

The owner or operator of a solid waste facility may 93
request a refund or credit of fees levied under this division 94
and remitted to the director that have not been paid to the 95
owner or operator. Such a request shall be made only if the fees 96
have not been collected by the owner or operator, have become a 97
debt that has become worthless or uncollectable for a period of 98
six months or more, and may be claimed as a deduction, including 99
a deduction claimed if the owner or operator keeps accounts on 100
an accrual basis, under the "Internal Revenue Code of 1954," 68A 101
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 102
under it. Prior to making a request for a refund or credit, an 103
owner or operator shall make reasonable efforts to collect the 104
applicable fees. A request for a refund or credit shall not 105
include any costs resulting from those efforts to collect unpaid 106
fees. 107

A request for a refund or credit of fees shall be made in 108
writing, on a form prescribed by the director, and shall be 109
supported by evidence that may be required in rules adopted by 110
the director under this chapter. After reviewing the request, 111

and if the request and evidence submitted with the request 112
indicate that a refund or credit is warranted, the director 113
shall grant a refund to the owner or operator or shall permit a 114
credit to be taken by the owner or operator on a subsequent 115
monthly return submitted by the owner or operator. The amount of 116
a refund or credit shall not exceed an amount that is equal to 117
ninety days' worth of fees owed to an owner or operator by a 118
particular debtor of the owner or operator. A refund or credit 119
shall not be granted by the director to an owner or operator 120
more than once in any twelve-month period for fees owed to the 121
owner or operator by a particular debtor. 122

If, after receiving a refund or credit from the director, 123
an owner or operator receives payment of all or part of the 124
fees, the owner or operator shall remit the fees with the next 125
monthly return submitted to the director together with a written 126
explanation of the reason for the submittal. 127

For purposes of computing the fees levied under this 128
division or division (B) of this section, any solid waste 129
transfer or disposal facility that does not use scales as a 130
means of determining gate receipts shall use a conversion factor 131
of three cubic yards per ton of solid waste or one cubic yard 132
per ton for baled waste, as applicable. 133

The fees levied under this division and divisions (B) and 134
(C) of this section are in addition to all other applicable fees 135
and taxes and shall be paid by the customer or a political 136
subdivision to the owner or operator of a solid waste transfer 137
or disposal facility. In the alternative, the fees shall be paid 138
by a customer or political subdivision to a transporter of waste 139
who subsequently transfers the fees to the owner or operator of 140
such a facility. The fees shall be paid notwithstanding the 141

existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

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

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

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

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

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B) (1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement.

A solid waste management district that levies fees under this 171
division on the basis of cubic yards shall do so in accordance 172
with division (A) of this section. 173

The fee levied under division (B)(1) of this section shall 174
be not less than one dollar per ton nor more than two dollars 175
per ton, the fee levied under division (B)(2) of this section 176
shall be not less than two dollars per ton nor more than four 177
dollars per ton, and the fee levied under division (B)(3) of 178
this section shall be not more than the fee levied under 179
division (B)(1) of this section. 180

Prior to the approval of the solid waste management plan 181
of a district under section 3734.55 of the Revised Code, the 182
solid waste management policy committee of a district may levy 183
fees under this division by adopting a resolution establishing 184
the proposed amount of the fees. Upon adopting the resolution, 185
the committee shall deliver a copy of the resolution to the 186
board of county commissioners of each county forming the 187
district and to the legislative authority of each municipal 188
corporation and township under the jurisdiction of the district 189
and shall prepare and publish the resolution and a notice of the 190
time and location where a public hearing on the fees will be 191
held. Upon adopting the resolution, the committee shall deliver 192
written notice of the adoption of the resolution; of the amount 193
of the proposed fees; and of the date, time, and location of the 194
public hearing to the director and to the fifty industrial, 195
commercial, or institutional generators of solid wastes within 196
the district that generate the largest quantities of solid 197
wastes, as determined by the committee, and to their local trade 198
associations. The committee shall make good faith efforts to 199
identify those generators within the district and their local 200
trade associations, but the nonprovision of notice under this 201

division to a particular generator or local trade association 202
does not invalidate the proceedings under this division. The 203
publication shall occur at least thirty days before the hearing. 204
After the hearing, the committee may make such revisions to the 205
proposed fees as it considers appropriate and thereafter, by 206
resolution, shall adopt the revised fee schedule. Upon adopting 207
the revised fee schedule, the committee shall deliver a copy of 208
the resolution doing so to the board of county commissioners of 209
each county forming the district and to the legislative 210
authority of each municipal corporation and township under the 211
jurisdiction of the district. Within sixty days after the 212
delivery of a copy of the resolution adopting the proposed 213
revised fees by the policy committee, each such board and 214
legislative authority, by ordinance or resolution, shall approve 215
or disapprove the revised fees and deliver a copy of the 216
ordinance or resolution to the committee. If any such board or 217
legislative authority fails to adopt and deliver to the policy 218
committee an ordinance or resolution approving or disapproving 219
the revised fees within sixty days after the policy committee 220
delivered its resolution adopting the proposed revised fees, it 221
shall be conclusively presumed that the board or legislative 222
authority has approved the proposed revised fees. The committee 223
shall determine if the resolution has been ratified in the same 224
manner in which it determines if a draft solid waste management 225
plan has been ratified under division (B) of section 3734.55 of 226
the Revised Code. 227

The committee may amend the schedule of fees levied 228
pursuant to a resolution adopted and ratified under this 229
division by adopting a resolution establishing the proposed 230
amount of the amended fees. The committee may repeal the fees 231
levied pursuant to such a resolution by adopting a resolution 232

proposing to repeal them. Upon adopting such a resolution, the 233
committee shall proceed to obtain ratification of the resolution 234
in accordance with this division. 235

Not later than fourteen days after declaring the new fees 236
to be ratified or the fees to be repealed under this division, 237
the committee shall notify by certified mail the owner or 238
operator of each solid waste disposal facility that is required 239
to collect the fees of the ratification and the amount of the 240
fees or of the repeal of the fees. Collection of any fees shall 241
commence or collection of repealed fees shall cease on the first 242
day of the second month following the month in which 243
notification is sent to the owner or operator. 244

Fees levied under this division also may be established, 245
amended, or repealed by a solid waste management policy 246
committee through the adoption of a new district solid waste 247
management plan, the adoption of an amended plan, or the 248
amendment of the plan or amended plan in accordance with 249
sections 3734.55 and 3734.56 of the Revised Code or the adoption 250
or amendment of a district plan in connection with a change in 251
district composition under section 3734.521 of the Revised Code. 252

Not later than fourteen days after the director issues an 253
order approving a district's solid waste management plan, 254
amended plan, or amendment to a plan or amended plan that 255
establishes, amends, or repeals a schedule of fees levied by the 256
district, the committee shall notify by certified mail the owner 257
or operator of each solid waste disposal facility that is 258
required to collect the fees of the approval of the plan or 259
amended plan, or the amendment to the plan, as appropriate, and 260
the amount of the fees, if any. In the case of an initial or 261
amended plan approved under section 3734.521 of the Revised Code 262

in connection with a change in district composition, other than 263
one involving the withdrawal of a county from a joint district, 264
the committee, within fourteen days after the change takes 265
effect pursuant to division (G) of that section, shall notify by 266
certified mail the owner or operator of each solid waste 267
disposal facility that is required to collect the fees that the 268
change has taken effect and of the amount of the fees, if any. 269
Collection of any fees shall commence or collection of repealed 270
fees shall cease on the first day of the second month following 271
the month in which notification is sent to the owner or 272
operator. 273

If, in the case of a change in district composition 274
involving the withdrawal of a county from a joint district, the 275
director completes the actions required under division (G)(1) or 276
(3) of section 3734.521 of the Revised Code, as appropriate, 277
forty-five days or more before the beginning of a calendar year, 278
the policy committee of each of the districts resulting from the 279
change that obtained the director's approval of an initial or 280
amended plan in connection with the change, within fourteen days 281
after the director's completion of the required actions, shall 282
notify by certified mail the owner or operator of each solid 283
waste disposal facility that is required to collect the 284
district's fees that the change is to take effect on the first 285
day of January immediately following the issuance of the notice 286
and of the amount of the fees or amended fees levied under 287
divisions (B)(1) to (3) of this section pursuant to the 288
district's initial or amended plan as so approved or, if 289
appropriate, the repeal of the district's fees by that initial 290
or amended plan. Collection of any fees set forth in such a plan 291
or amended plan shall commence on the first day of January 292
immediately following the issuance of the notice. If such an 293

initial or amended plan repeals a schedule of fees, collection 294
of the fees shall cease on that first day of January. 295

If, in the case of a change in district composition 296
involving the withdrawal of a county from a joint district, the 297
director completes the actions required under division (G) (1) or 298
(3) of section 3734.521 of the Revised Code, as appropriate, 299
less than forty-five days before the beginning of a calendar 300
year, the director, on behalf of each of the districts resulting 301
from the change that obtained the director's approval of an 302
initial or amended plan in connection with the change 303
proceedings, shall notify by certified mail the owner or 304
operator of each solid waste disposal facility that is required 305
to collect the district's fees that the change is to take effect 306
on the first day of January immediately following the mailing of 307
the notice and of the amount of the fees or amended fees levied 308
under divisions (B) (1) to (3) of this section pursuant to the 309
district's initial or amended plan as so approved or, if 310
appropriate, the repeal of the district's fees by that initial 311
or amended plan. Collection of any fees set forth in such a plan 312
or amended plan shall commence on the first day of the second 313
month following the month in which notification is sent to the 314
owner or operator. If such an initial or amended plan repeals a 315
schedule of fees, collection of the fees shall cease on the 316
first day of the second month following the month in which 317
notification is sent to the owner or operator. 318

If the schedule of fees that a solid waste management 319
district is levying under divisions (B) (1) to (3) of this 320
section is amended or repealed, the fees in effect immediately 321
prior to the amendment or repeal shall continue to be collected 322
until collection of the amended fees commences or collection of 323
the repealed fees ceases, as applicable, as specified in this 324

division. In the case of a change in district composition, money 325
so received from the collection of the fees of the former 326
districts shall be divided among the resulting districts in 327
accordance with division (B) of section 343.012 of the Revised 328
Code and the agreements entered into under division (B) of 329
section 343.01 of the Revised Code to establish the former and 330
resulting districts and any amendments to those agreements. 331

For the purposes of the provisions of division (B) of this 332
section establishing the times when newly established or amended 333
fees levied by a district are required to commence and the 334
collection of fees that have been amended or repealed is 335
required to cease, "fees" or "schedule of fees" includes, in 336
addition to fees levied under divisions (B) (1) to (3) of this 337
section, those levied under section 3734.573 or 3734.574 of the 338
Revised Code. 339

(C) For the purposes of defraying the added costs to a 340
municipal corporation or township of maintaining roads and other 341
public facilities and of providing emergency and other public 342
services, and compensating a municipal corporation or township 343
for reductions in real property tax revenues due to reductions 344
in real property valuations resulting from the location and 345
operation of a solid waste disposal facility within the 346
municipal corporation or township, a municipal corporation or 347
township in which such a solid waste disposal facility is 348
located may levy a fee of not more than twenty-five cents per 349
ton on the disposal of solid wastes at a solid waste disposal 350
facility located within the boundaries of the municipal 351
corporation or township regardless of where the wastes were 352
generated. 353

The legislative authority of a municipal corporation or 354

township may levy fees under this division by enacting an 355
ordinance or adopting a resolution establishing the amount of 356
the fees. Upon so doing the legislative authority shall mail a 357
certified copy of the ordinance or resolution to the board of 358
county commissioners or directors of the county or joint solid 359
waste management district in which the municipal corporation or 360
township is located or, if a regional solid waste management 361
authority has been formed under section 343.011 of the Revised 362
Code, to the board of trustees of that regional authority, the 363
owner or operator of each solid waste disposal facility in the 364
municipal corporation or township that is required to collect 365
the fee by the ordinance or resolution, and the director of 366
environmental protection. Although the fees levied under this 367
division are levied on the basis of tons as the unit of 368
measurement, the legislative authority, in its ordinance or 369
resolution levying the fees under this division, may direct that 370
the fees be levied on the basis of cubic yards as the unit of 371
measurement based upon a conversion factor of three cubic yards 372
per ton generally or one cubic yard per ton for baled wastes. 373

Not later than five days after enacting an ordinance or 374
adopting a resolution under this division, the legislative 375
authority shall so notify by certified mail the owner or 376
operator of each solid waste disposal facility that is required 377
to collect the fee. Collection of any fee levied on or after 378
March 24, 1992, shall commence on the first day of the second 379
month following the month in which notification is sent to the 380
owner or operator. 381

(D) (1) The fees levied under divisions (A), (B), and (C) 382
of this section do not apply to the disposal of solid wastes 383
that: 384

(a) Are disposed of at a facility owned by the generator 385
of the wastes when the solid waste facility exclusively disposes 386
of solid wastes generated at one or more premises owned by the 387
generator regardless of whether the facility is located on a 388
premises where the wastes are generated; 389

(b) Are generated from the combustion of coal, or from the 390
combustion of primarily coal, regardless of whether the disposal 391
facility is located on the premises where the wastes are 392
generated; 393

(c) Are asbestos or asbestos-containing materials or 394
products disposed of at a construction and demolition debris 395
facility that is licensed under Chapter 3714. of the Revised 396
Code or at a solid waste facility that is licensed under this 397
chapter. 398

(2) Except as provided in section 3734.571 of the Revised 399
Code, any fees levied under division (B)(1) of this section 400
apply to solid wastes originating outside the boundaries of a 401
county or joint district that are covered by an agreement for 402
the joint use of solid waste facilities entered into under 403
section 343.02 of the Revised Code by the board of county 404
commissioners or board of directors of the county or joint 405
district where the wastes are generated and disposed of. 406

(3) When solid wastes, other than solid wastes that 407
consist of scrap tires, are burned in a disposal facility that 408
is an incinerator or energy recovery facility, the fees levied 409
under divisions (A), (B), and (C) of this section shall be 410
levied upon the disposal of the fly ash and bottom ash remaining 411
after burning of the solid wastes and shall be collected by the 412
owner or operator of the sanitary landfill where the ash is 413
disposed of. 414

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

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

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

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

(8) The director of environmental protection may issue an

order exempting from the fees levied under this section solid 445
wastes, including, but not limited to, scrap tires, that are 446
generated, transferred, or disposed of as a result of a contract 447
providing for the expenditure of public funds entered into by 448
the administrator or regional administrator of the United States 449
environmental protection agency, the director of environmental 450
protection, or the director of administrative services on behalf 451
of the director of environmental protection for the purpose of 452
remediating conditions at a hazardous waste facility, solid 453
waste facility, or other location at which the administrator or 454
regional administrator or the director of environmental 455
protection has reason to believe that there is a substantial 456
threat to public health or safety or the environment or that the 457
conditions are causing or contributing to air or water pollution 458
or soil contamination. An order issued by the director of 459
environmental protection under division (D) (8) of this section 460
shall include a determination that the amount of the fees not 461
received by a solid waste management district as a result of the 462
order will not adversely impact the implementation and financing 463
of the district's approved solid waste management plan and any 464
approved amendments to the plan. Such an order is a final action 465
of the director of environmental protection. 466

(E) The fees levied under divisions (B) and (C) of this 467
section shall be collected by the owner or operator of the solid 468
waste disposal facility where the wastes are disposed of as a 469
trustee for the county or joint district and municipal 470
corporation or township where the wastes are disposed of. Moneys 471
from the fees levied under division (B) of this section shall be 472
forwarded to the board of county commissioners or board of 473
directors of the district in accordance with rules adopted under 474
division (H) of this section. Moneys from the fees levied under 475

division (C) of this section shall be forwarded to the treasurer 476
or such other officer of the municipal corporation as, by virtue 477
of the charter, has the duties of the treasurer or to the fiscal 478
officer of the township, as appropriate, in accordance with 479
those rules. 480

(F) Moneys received by the treasurer or other officer of 481
the municipal corporation under division (E) of this section 482
shall be paid into the general fund of the municipal 483
corporation. Moneys received by the fiscal officer of the 484
township under that division shall be paid into the general fund 485
of the township. The treasurer or other officer of the municipal 486
corporation or the township fiscal officer, as appropriate, 487
shall maintain separate records of the moneys received from the 488
fees levied under division (C) of this section. 489

(G) Moneys received by the board of county commissioners 490
or board of directors under division (E) of this section or 491
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 492
Code shall be paid to the county treasurer, or other official 493
acting in a similar capacity under a county charter, in a county 494
district or to the county treasurer or other official designated 495
by the board of directors in a joint district and kept in a 496
separate and distinct fund to the credit of the district. If a 497
regional solid waste management authority has been formed under 498
section 343.011 of the Revised Code, moneys received by the 499
board of trustees of that regional authority under division (E) 500
of this section shall be kept by the board in a separate and 501
distinct fund to the credit of the district. Moneys in the 502
special fund of the county or joint district arising from the 503
fees levied under division (B) of this section and the fee 504
levied under division (A) of section 3734.573 of the Revised 505
Code shall be expended by the board of county commissioners or 506

directors of the district in accordance with the district's 507
solid waste management plan or amended plan approved under 508
section 3734.521, 3734.55, or 3734.56 of the Revised Code 509
exclusively for the following purposes: 510

(1) Preparation of the solid waste management plan of the 511
district under section 3734.54 of the Revised Code, monitoring 512
implementation of the plan, and conducting the periodic review 513
and amendment of the plan required by section 3734.56 of the 514
Revised Code by the solid waste management policy committee; 515

(2) Implementation of the approved solid waste management 516
plan or amended plan of the district, including, without 517
limitation, the development and implementation of solid waste 518
recycling or reduction programs; 519

(3) Providing financial assistance to boards of health 520
within the district, if solid waste facilities are located 521
within the district, for enforcement of this chapter and rules, 522
orders, and terms and conditions of permits, licenses, and 523
variances adopted or issued under it, other than the hazardous 524
waste provisions of this chapter and rules adopted and orders 525
and terms and conditions of permits issued under those 526
provisions; 527

(4) Providing financial assistance to each county within 528
the district to defray the added costs of maintaining roads and 529
other public facilities and of providing emergency and other 530
public services resulting from the location and operation of a 531
solid waste facility within the county under the district's 532
approved solid waste management plan or amended plan; 533

(5) Pursuant to contracts entered into with boards of 534
health within the district, if solid waste facilities contained 535

in the district's approved plan or amended plan are located 536
within the district, for paying the costs incurred by those 537
boards of health for collecting and analyzing samples from 538
public or private water wells on lands adjacent to those 539
facilities; 540

(6) Developing and implementing a program for the 541
inspection of solid wastes generated outside the boundaries of 542
this state that are disposed of at solid waste facilities 543
included in the district's approved solid waste management plan 544
or amended plan; 545

(7) Providing financial assistance to boards of health 546
within the district for the enforcement of section 3734.03 of 547
the Revised Code or to local law enforcement agencies having 548
jurisdiction within the district for enforcing anti-littering 549
laws and ordinances; 550

(8) Providing financial assistance to boards of health of 551
health districts within the district that are on the approved 552
list under section 3734.08 of the Revised Code to defray the 553
costs to the health districts for the participation of their 554
employees responsible for enforcement of the solid waste 555
provisions of this chapter and rules adopted and orders and 556
terms and conditions of permits, licenses, and variances issued 557
under those provisions in the training and certification program 558
as required by rules adopted under division (L) of section 559
3734.02 of the Revised Code; 560

(9) Providing financial assistance to individual municipal 561
corporations and townships within the district to defray their 562
added costs of maintaining roads and other public facilities and 563
of providing emergency and other public services resulting from 564
the location and operation within their boundaries of a 565

composting, energy or resource recovery, incineration, or 566
recycling facility that either is owned by the district or is 567
furnishing solid waste management facility or recycling services 568
to the district pursuant to a contract or agreement with the 569
board of county commissioners or directors of the district; 570

(10) Payment of any expenses that are agreed to, awarded, 571
or ordered to be paid under section 3734.35 of the Revised Code 572
and of any administrative costs incurred pursuant to that 573
section. In the case of a joint solid waste management district, 574
if the board of county commissioners of one of the counties in 575
the district is negotiating on behalf of affected communities, 576
as defined in that section, in that county, the board shall 577
obtain the approval of the board of directors of the district in 578
order to expend moneys for administrative costs incurred. 579

Prior to the approval of the district's solid waste 580
management plan under section 3734.55 of the Revised Code, 581
moneys in the special fund of the district arising from the fees 582
shall be expended for those purposes in the manner prescribed by 583
the solid waste management policy committee by resolution. 584

Notwithstanding division (G) (6) of this section as it 585
existed prior to October 29, 1993, or any provision in a 586
district's solid waste management plan prepared in accordance 587
with division (B) (2) (e) of section 3734.53 of the Revised Code 588
as it existed prior to that date, any moneys arising from the 589
fees levied under division (B) (3) of this section prior to 590
January 1, 1994, may be expended for any of the purposes 591
authorized in divisions (G) (1) to (10) of this section. 592

(H) The director shall adopt rules in accordance with 593
Chapter 119. of the Revised Code prescribing procedures for 594
collecting and forwarding the fees levied under divisions (B) 595

and (C) of this section to the boards of county commissioners or 596
directors of county or joint solid waste management districts 597
and to the treasurers or other officers of municipal 598
corporations and the fiscal officers of townships. The rules 599
also shall prescribe the dates for forwarding the fees to the 600
boards and officials and may prescribe any other requirements 601
the director considers necessary or appropriate to implement and 602
administer divisions (A), (B), and (C) of this section. 603

Section 2. That existing section 3734.57 of the Revised 604
Code is hereby repealed. 605

Section 3. All items in this section are hereby 606
appropriated as designated out of any moneys in the state 607
treasury to the credit of the designated fund. For all 608
appropriations made in this act, those in the first column are 609
for fiscal year 2020 and those in the second column are for 610
fiscal year 2021. The appropriations made in this act are in 611
addition to any other appropriations made for the FY 2020-FY 612
2021 biennium. 613

AGR DEPARTMENT OF AGRICULTURE 614

Dedicated Purpose Fund Group 615

5BV0 700661	Soil and Water Districts	\$3,626,000	\$3,626,000	616
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TOTAL DPF Dedicated Purpose Fund Group		\$3,626,000	\$3,626,000	617
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TOTAL ALL BUDGET FUND GROUPS		\$3,626,000	\$3,626,000	618
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Section 4. Within the limits set forth in this act, the 619
Director of Budget and Management shall establish accounts 620
indicating the source and amount of funds for each appropriation 621
made in this act, and shall determine the form and manner in 622
which appropriation accounts shall be maintained. Expenditures 623

from appropriations contained in this act shall be accounted for 624
as though made in the main operating appropriations act of the 625
133rd General Assembly. 626

The appropriations made in this act are subject to all 627
provisions of the main operating appropriations act of the 133rd 628
General Assembly that are generally applicable to such 629
appropriations. 630