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OHIO LEGISLATIVE

FEB 1993

(Amended Substitute House Bill Number 592)

FILE

SERVICE COMMISSION

## AN ACT

To amend sections 102.03, 133.01, 133.05, 133.06, 343.01, 343.02, 343.04 to 343.08, 343.99, 505.12, 505.27, 1502.04, 1502.05, 3707.39, 3707.40, 3707.42, 3734.01, 3734.02, 3734.021, 3734.022, 3734.04, 3734.05, 3734.06, 3734.07, 3734.08, 3734.09, 3734.10, 3734.101, 3734.11, 3734.12, 3734.13, 3734.18, 3734.31, 3734.99, and 3745.11; to enact new section 343.03 and sections 343.011, 3734.131, ~~3734.132~~, 3734.40 to 3734.47, and 3734.50 to 3734.57; and to repeal section 343.03 of the Revised Code and to amend Sections 13 and 36 of Am. Sub. H.B. 171 of the 117th General Assembly to require the Director of Environmental Protection to adopt rules governing closure and post-closure care of solid waste facilities; to authorize the Director to adopt rules governing financial responsibility of owners and operators of solid waste facilities; to increase solid waste facility permit and license fees; to require permits to install and licenses for transfer facilities; to levy fees on the disposal of solid wastes; to require the Director to adopt a state solid waste management plan; to require that certain persons consent to service of civil and criminal process before transporting or disposing of solid wastes, infectious solid wastes, or hazardous waste from outside this state to or at a facility in this state; to prohibit disposal within this state of solid wastes generated outside the boundaries of this state, unless the Governor has issued a waiver authorizing disposal of such wastes within this state;

DISAPPROVED June 29, 1988  
*Richard J. Celest*  
GOVERNOR

to require the preparation and implementation of county or joint county solid waste management plans; to require that after all county and joint solid waste management plans are in effect at least one-half of all litter prevention and recycling grants be made to county and joint county solid waste management districts for the purpose of recycling; to prohibit former public officials and employees who exercised substantial administrative discretion in administering or enforcing Chapter 843. or 8784. of the Revised Code from representing any person who is an applicant for or holder of a permit or license under Chapter 3734. of the Revised Code before any board, commission, or agency of the state or a political subdivision for twenty-four months after the end of their service as a public official or employee; to require background investigations by the Attorney General of applicants for and holders of solid waste facility permits and licenses and hazardous waste facility installation and operation permits; to establish regulatory fees for treatment and disposal of hazardous wastes generated outside the state at the higher of the rates applicable in the state where the waste is generated or the applicable rates of this state; to establish surcharges on regulatory fees for treatment and disposal of hazardous waste to fund local hazardous waste management programs; and to make an appropriation.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 102.03, 133.01, 133.05, 133.06, 343.01, 343.02, 343.04, 343.05, 343.06, 343.07, 343.08, 343.99, 505.12, 505.27, 1502.04, 1502.05, 3707.39, 3707.40, 3707.42, 3734.01, 3734.02, 3734.021, 3734.022, 3734.04, 3734.05, 3734.06, 3734.07, 3734.08, 3734.09, 3734.10, 3734.101, 3734.11, 3734.12, 3734.13, 3734.18, 3734.18, 3734.31, 3734.99, and 3745.11 be amended and new section 843.03 and sections 843.011, 3734.131, 3734.132, 3734.40, 3734.41, 3734.42, 3734.43, 3734.44, 3734.45,

3734.46, 3734.47, 3734.50, 3734.51, 3734.52, 3734.53, 3734.54, 3734.55, 3734.56, and 3734.57 of the Revised Code be enacted to read as follows:

Sec. 102.03. (A) No present or former public official or employee shall, during his public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which he personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion. For twenty-four months after the conclusion of his service, a former commissioner or attorney examiner of the public utilities commission may not represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency. **FOR TWENTY-FOUR MONTHS AFTER THE CONCLUSION OF HIS SERVICE, NO FORMER PUBLIC OFFICIAL OR EMPLOYEE WHO PARTICIPATED AS A PUBLIC OFFICIAL OR EMPLOYEE THROUGH DECISION, APPROVAL, DISAPPROVAL, RECOMMENDATION, THE RENDERING OF ADVICE, THE DEVELOPMENT OR ADOPTION OF SOLID WASTE MANAGEMENT PLANS, INVESTIGATION, INSPECTION, OR OTHER SUBSTANTIAL EXERCISE OF ADMINISTRATIVE DISCRETION UNDER CHAPTER 843. OR 3734. OF THE REVISED CODE SHALL REPRESENT A PERSON WHO IS THE OWNER OR OPERATOR OF A FACILITY, AS DEFINED IN SECTION 3734.01 OF THE REVISED CODE, OR WHO IS AN APPLICANT FOR A PERMIT OR LICENSE FOR A FACILITY UNDER THAT CHAPTER, OR SHALL ACT IN A REPRESENTATIVE CAPACITY ON BEHALF OF ANY SUCH PERSON BEFORE ANY BOARD, COMMISSION, OR AGENCY OF THE STATE OR A POLITICAL SUBDIVISION.** As used in this division, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in this division, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person. Nothing contained in this division shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which he was employed or on which he served. This division shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by him in the course of his official duties which is confidential because of statutory provisions, or which has been clearly designated to him as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was

received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of his duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or his immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of his duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or his immediate family, or a partnership, trust, business trust, corporation, or association of which he or his immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging such sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of his office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon him with respect to his duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon him with respect to his duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon him with respect to his duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions, as defined in section 3517.01 of the Revised Code, made to a campaign committee, political party, or political action committee on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

(H) Divisions (D), (E), and (F) of this section do not prohibit a public official or employee from soliciting or accepting or prohibit a person from promising or giving to a public official or employee an honorarium or similar fee for making a personal appearance or speech, or soliciting, accepting, promising, or giving prepayment or reimbursement of travel, meal, and lodging expenses incurred in connection with the personal appearance or speech if either division (H)(1) or (2) of this section applies:

(1) The public official or employee is required to file a financial disclosure statement under section 102.02 of the Revised Code covering the time period in which he accepts payment; neither the honorarium or similar fee nor the prepaid or reimbursed expenses are paid by any person or other entity, or any representative or association of such persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves; and the expenses paid or reimbursed do not exceed the actual cost of items actually furnished;

(2) The honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from his public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of such persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to his official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon him respect to his duties. The house of representatives and senate, in their respective codes of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

Sec. 133.01. As used in this chapter:

(A) "Subdivision" means any county, school district except the county school district, municipal corporation, regional water and sewer district, joint township hospital district, joint ambulance district, joint recreation district, detention home district, a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2151.34 and 2151.65 of the Revised Code, A JOINT SOLID WASTE MANAGEMENT DISTRICT, a union cemetery district, township police district, or township.

(B) "Municipal corporation" means any municipal corporation, including those which have adopted a charter under Article XVIII, Ohio Constitution.

(C) "Taxing authority" or "bond-issuing authority" means in the case of any county, the board of county commissioners; in the case of a municipal corporation, the legislative authority of such THE municipal corporation; in the case of a school district, the board of education; in the case of a regional water and sewer district, the board of trustees of such THE district; in the case of a joint township hospital district, the board of trustees of the district; in the case of a joint ambulance district, the board of trustees of the district; in the case of a joint recreation district, the joint recreation district board of trustees; in the case of a union cemetery district, the legislative authority of the municipal corporation and the board of township trustees, acting jointly as described in section 759.341 of the Revised Code; in the case of a detention home district or district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2151.34 and 2151.65 of the Revised Code, the joint board of county commissioners; **IN THE CASE OF A JOINT SOLID WASTE MANAGEMENT DISTRICT, THE BOARD OF DIRECTORS OF THE DISTRICT;** and in the case of a township police district or a township, the board of township trustees.

(D) "Fiscal officer" means in the case of a county, the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or such officer as, by virtue of the charter, has the duties and functions of the city auditor or village clerk; in the case of a school district, the treasurer of the board of education; in the case of a regional water and sewer district, the secretary of the board of trustees of such THE district; in the case of a joint township hospital district, the county auditor of the county in which such THE hospital district is located; in the case of a joint ambulance district, the clerk of the board of trustees of the district; in the case of a joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; in the case of a union cemetery district, the clerk of the municipal corporation designated in section 759.34 of the Revised Code; in the case of a detention home district or district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2151.34 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; **IN THE CASE OF A JOINT SOLID WASTE MANAGEMENT DISTRICT, THE COUNTY AUDITOR DESIGNATED BY THE BOARD OF DIRECTORS OF THE DISTRICT UNDER SECTION 342.01 OF THE REVISED CODE;** and in the case of a township police district or a township, the county auditor of the county in which such THE township is located.

(E) "Permanent improvement" or "improvement" means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interest therein, and including reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more. Reconstruction for highway purposes includes the resurfacing, but not the ordinary repair, of highways.

(F) "Current operating expenses" and "current expenses" mean the lawful expenditure of a subdivision, except for permanent improvements,

and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(G) "Debt charges" means the interest, sinking fund, and retirement charges on bonds, notes, or certificates of indebtedness.

Sec. 133.05. The net indebtedness created or incurred by any county without vote of the electors shall never exceed a sum equal to one per cent of the tax list of the county.

In ascertaining this limitation, bonds issued prior to August 11, 1927, for the construction, resurfacing, maintenance, or repair of roads, including bonds issued prior to such THAT date under former section 1223 of the Ohio General Code, shall not be considered except as to the amount by which the amount of such THE bonds outstanding exceeds one per cent of the tax list of the county.

Within the limitation provided by this section, the net indebtedness created or incurred by a county to pay its share of the cost and expense of the construction, improvement, maintenance, or repair of state highways without vote of the people shall never exceed one-half of one per cent of the tax list of the county, but in ascertaining said THAT limitation, bonds issued prior to August 11, 1927, for such THOSE purposes shall not be considered except as to the amount by which the amount of such bonds outstanding exceeds one-half of one per cent of the tax list of the county.

The total net indebtedness created or incurred by any county shall never exceed a sum equal to three per cent of the first one hundred million dollars or part thereof of the tax list plus one and one-half per cent of the tax list in excess of one hundred million dollars and not in excess of three hundred million dollars plus two and one-half per cent of the tax list in excess of three hundred million dollars. In ascertaining the limitations of this section, the bonds specified in section 133.02 of the Revised Code and the following bonds and notes shall not be considered:

(A) Bonds issued prior to April 29, 1902, or to refund, extend the time of payment, or in exchange for bonds issued prior to April 29, 1902;

(B) Bonds issued prior to August 11, 1927, to meet deficiencies in the revenue;

(C) Bonds specified in section 307.201 of the Revised Code;

(D) Bonds specified in sections 133.06, 133.061, and 133.062 of the Revised Code;

(E) Bonds issued for the purpose of purchasing, constructing, improving, or extending water systems, sewerage systems, or off-street parking lots or buildings, to the extent that the income from such utility or from all of the off-street parking facilities and structures of the county is sufficient to cover the cost of all operating expenses of such THE utility or all of such THE off-street parking facilities and structures, and interest charges on such THE bonds, and to provide a sufficient amount for retirement or sinking fund to retire such bonds as they become due, and bonds issued for the purpose of purchasing, constructing, improving, or extending water or sewerage systems to the extent that an agreement entered into with a regional water and sewer district created in accordance with Chapter 6119. of the Revised Code requires payments to the county

by ~~such~~ THAT district which THAT cover interest charges on ~~such~~ THOSE bonds and which provide a sufficient amount for retirement or sinking fund to retire ~~such~~ THOSE bonds as they become due;

(F) Voted bonds issued for the purpose of constructing, improving, or extending sewerage systems to the extent that such bonds do not exceed two per cent of the total value of all property in ~~such~~ THE county as listed and assessed for taxation;

(G) Bonds issued for the purpose of constructing, improving, and equipping buildings for the care or treatment of the sick or infirm and for housing the persons and their families providing such care to the extent that the income from ~~such~~ THE buildings is sufficient to cover the cost of all operating expenses of ~~such~~ THE buildings and interest charges on such bonds, and to provide a sufficient amount for retirement or sinking fund to retire ~~such~~ THE bonds as they become due;

(H) Bonds and notes in anticipation of bonds issued for the purpose of acquiring, constructing, improving, and equipping buildings and sites therefor to house agencies, departments, boards, or commissions of the county or of any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from unvoted county taxes, derived from leases or other agreements between the county and these agencies, departments, boards, commissions, or municipal corporations relating to the use of the buildings are sufficient to cover the cost of all operating expenses of the buildings paid by the county and interest charges on the bonds, and to provide a sufficient amount for retirement or sinking fund to retire the bonds as they become due;

(I) Bonds and notes in anticipation of bonds issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements to the extent that a resolution authorizing the issuance of ~~such~~ THE bonds and notes includes a covenant to appropriate from moneys distributed to a county pursuant to Chapter 4501., 4503., 4504., or 5735. of the Revised Code a sufficient amount to cover interest and other charges on the bonds and a sufficient amount for retirement or sinking fund to retire the bonds as they become due;

(J) Bonds and notes in anticipation of bonds issued for the purpose of acquiring, constructing, improving, and equipping a county, multicounty, or multicounty-municipal jail, workhouse, or correctional facility;

(K) Bonds and notes in anticipation of bonds issued for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements enumerated in a resolution adopted pursuant to division (D) of section 5739.026 of the Revised Code to the extent that the resolution authorizing the issuance of bonds or notes includes a covenant to appropriate from moneys received from the taxes authorized under section 5739.023 and division (A)(5) of section 5739.026 of the Revised Code an amount sufficient to cover interest and other charges on bonds and an amount sufficient for retirement or sinking fund to retire the bonds as they become due and those moneys shall be pledged for that purpose.

**(L) BONDS AND NOTES IN ANTICIPATION OF BONDS ISSUED FOR PURPOSES OF ACQUIRING, CONSTRUCTING, IMPROVING, ENLARGING, MODIFYING, OR EQUIPPING A COUNTY OR JOINT SOLID WASTE COLLECTION SYSTEM OR SOLID WASTE TRANSFER, DISPOSAL, RECYCLING, OR RESOURCE RECOVERY FACILITY.**

Sec. 133.06. Any county which THAT acquires, constructs, or extends any sewers, sewage treatment, or disposal works or any public water supply or waterworks system; for one or more established sewer districts, acquires, constructs, or operates a system of garbage or refuse SOLID WASTE TRANSFER, collection or disposal, RECYCLING, OR RESOURCE RECOVERY, or acquires, constructs, owns, leases, or operates airports, landing fields, and other air navigation facilities, or acquires, constructs, owns, leases, or operates a public stadium, public auditorium, exhibition hall, and related parking facilities, or which acquires, constructs, owns, leases, or operates subways for transportation systems not owned by the county, or any county or board of county hospital trustees established pursuant to section 339.02 of the Revised Code which THAT acquires, constructs, owns, leases, or operates buildings for the care or treatment of the sick or infirm and for housing the persons and their families providing such care, or other hospital facilities as defined in section 140.01 of the Revised Code, and desires to raise money for such purposes, and establishes rates or charges of rents for the use of any such facilities or any such operations, designed or intended to provide a surplus for the payment of the interest and principal on any debt incurred in connection therewith, or for the creation of a sinking fund for the payment of such A debt, in addition to any power to issue general obligation bonds for financing the same, may issue revenue bonds therefor beyond the general limit of bonded indebtedness otherwise prescribed by law and such THOSE bonds shall not be counted in such THAT indebtedness. Such revenue REVENUE bonds issued beyond the general limit of bonded indebtedness prescribed by law shall be secured only by a pledge of, and lien upon, the revenues of such THE county derived from such THOSE rates or charges and any interest subsidies or debt service grants or other payments by the federal government or agencies thereof available therefor, and the covenant of the county to maintain sufficient rates and charges to produce adequate revenues for such THAT purpose. Such THE bonds shall be negotiable instruments, but shall not constitute general obligations of the county, and the general credit and taxing power of the county shall not be pledged to the payment of any part thereof.

Such THE bonds shall bear interest at such rate or rates and shall mature in such amount, at such time or times within forty years after issuance, and in such number of installments as the bond issuing authority determines, shall be signed and sealed as provided in sections 133.01 to 133.48 of the Revised Code, and may be sold as provided in such THOSE sections, or at private sale at the option of the county. Such THE bonds may be made callable, and if so issued may be refunded.

The bond issuing authority shall execute the necessary documents to provide for the pledge, protection, and disposition of the revenues from which said THE bonds are to be paid. As long as such THE bonds, either in original or refunded form, remain outstanding, except as otherwise provided in such THOSE documents including leases, all parts of such THOSE facilities, the revenues of which are pledged, shall remain under the exclusive control of the bond issuing authority and the revenues therefrom pledged to the security of such THE bonds shall be and remain subject to such THAT pledge, whether or not any parts of such THE facilities are in or thereafter come within any municipal corporation, and the properties served by such THE facilities shall be and remain subject to the power and duty of the bond issuing authority to fix and collect reasonable rates or charges of rents for the use of such facilities.

Sec. 843.01 (A) A board of county commissioners may, by resolution, lay out, establish, and maintain one or more garbage and refuse disposal districts in all or part of the territory within its county, and may cause such surveys as are necessary to be made by a competent sanitary engineer, for the determination of the proper boundaries of such districts IN ORDER TO COMPLY WITH DIVISION (B) OF SECTION 374.52 OF THE REVISED CODE, THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY SHALL DO ONE OF THE FOLLOWING:

- (1) ESTABLISH, BY RESOLUTION, AND MAINTAIN A COUNTY SOLID WASTE MANAGEMENT DISTRICT UNDER THIS CHAPTER THAT CONSISTS OF ALL THE INCORPORATED AND UNINCORPORATED TERRITORY WITHIN THE COUNTY;
- (2) WITH THE BOARDS OF COUNTY COMMISSIONERS OF ONE OR MORE OTHER COUNTIES ESTABLISH, BY AGREEMENT, AND MAINTAIN A JOINT SOLID WASTE MANAGEMENT DISTRICT UNDER THIS CHAPTER THAT CONSISTS OF ALL THE INCORPORATED AND UNINCORPORATED TERRITORY WITHIN THE COUNTIES COMPRISING THE JOINT DISTRICT.

A COUNTY AND JOINT DISTRICT SHALL HAVE A POPULATION OF NOT LESS THAN ONE HUNDRED TWENTY THOUSAND UNLESS, IN THE INSTANCE OF A COUNTY DISTRICT, THE BOARD OF COUNTY COMMISSIONERS HAS OBTAINED AN EXEMPTION FROM THAT REQUIREMENT UNDER DIVISION (C)(1) OR (2) OF SECTION 374.52 OF THE REVISED CODE.

(B) The boards of county commissioners of two or more counties may enter into an agreement to lay out, establish, and maintain a joint garbage and refuse disposal district in all or part of the territories of the counties entering into the agreement and may cause such surveys as are necessary to be made by a competent sanitary engineer for the determination of the proper boundaries of the district. A county may participate in more than one joint district.

The boards of county commissioners of the counties establishing a joint district constitute, collectively, the board of directors of the joint district, except that if a county with a form of legislative authority other than a board of county commissioners participates, it shall be represented

on the board of directors by three persons appointed by the legislative authority.

The initial agreement to ~~lay out~~ establish, and maintain a joint district shall be ratified by resolution of the board of county commissioners of each participating county. **IF ANY OF THE COUNTIES ESTABLISHING THE JOINT DISTRICT ARE OPERATING UNDER A SOLID WASTE MANAGEMENT PLAN APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.55 OF THE REVISED CODE OR AN AMENDED SOLID WASTE MANAGEMENT PLAN APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.56 OF THE REVISED CODE, RATIFICATION OF THE INITIAL AGREEMENT SHALL NOT TAKE PLACE UNTIL AFTER THE DIRECTOR OF ENVIRONMENTAL PROTECTION HAS APPROVED THE SOLID WASTE MANAGEMENT PLAN OF THE PROPOSED JOINT DISTRICT UNDER SECTION 3734.55 OF THE REVISED CODE.** Upon ratification, the board of directors shall take control of and manage the joint district subject to this chapter. A majority of the board of directors constitutes a quorum, and a majority vote is required for the board to act.

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

The board of directors may appoint and fix the compensation of employees of, accept gifts, devises, and bequests for, and take other actions necessary to control and manage the joint district. Employees of the district shall be considered county employees for the purposes of Chapter 124. of the Revised Code and other provisions of state law applicable to employees. ~~In lieu~~ **INSTEAD** of or in addition to appointing employees of the district, the board of directors may agree to use employees of one or more of the participating counties in the service of the joint district and to share in their compensation in any manner that may be agreed upon.

The board of directors shall designate the county auditor of a county participating in the joint district as the fiscal officer of the district. The fiscal officer shall establish a general fund and any other necessary funds for the district.

A county may join an existing joint district by the adoption of a resolution by its board of county commissioners requesting membership ~~and~~, upon approval of the board of directors of the district, **AND THEREAFTER UPON SUBMISSION TO AND APPROVAL BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION OF THE SOLID WASTE MANAGEMENT PLAN OF THE JOINT DISTRICT FORMED BY THE JOINDER OF THE COUNTY AND JOINT DIS-**

TRICTS UNDER SECTION 3734.55 OF THE REVISED CODE. When a county joins an existing joint district, its board of county commissioners or three members appointed by its legislative authority, if other than a board of county commissioners, shall be added to the board of directors of the joint district. A county may withdraw from a joint district by the adoption of a resolution by its board of county commissioners ordering withdrawal AND UPON SUBMISSION TO AND APPROVAL BY THE DIRECTOR OF THE SOLID WASTE MANAGEMENT PLAN OR AMENDED SOLID WASTE MANAGEMENT PLAN OF EACH COUNTY AND JOINT DISTRICT THAT RESULTS FROM THE WITHDRAWAL UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE. On and after the first day of January of the year following the adoption of the resolution of withdrawal, the county withdrawing ceases to be a part of the joint district and its power to levy a tax upon taxable property to support the joint district terminates, except that the county shall continue to levy and collect any taxes levied for the payment of indebtedness of the district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of a county from a joint district, the board of directors shall ascertain, apportion, and order a division of the funds on hand, credits, and real and personal property of the joint district, either in money or in kind, on any equitable basis between the district and the withdrawing county consistent with the agreement and prior contributions of the withdrawing county.

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

(C) The boundaries of a county or joint district may be revised from time to time, and may include a part or all of the territory within a municipal corporation when authorized by ordinance of the legislative authority of the municipal corporation. Each county and joint district shall be designated by an appropriate name or number. A board of county commissioners of a county district or board of directors of a joint district may acquire, by purchase or lease, construct, improve, enlarge, replace, maintain, and operate such garbage and refuse SOLID WASTE collection systems within their respective districts and such garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facilities within or outside their respective districts as are necessary for the protection of the public health. A board of county commissioners may acquire within its county real property or any estate, interest, or right therein, by appropriation or any other method, for use by

a county or joint district in connection with such facilities. Appropriation proceedings shall be conducted in accordance with sections 163.01 to 163.22 of the Revised Code.

(D) The sanitary engineer or sanitary engineering department of a county maintaining a district and any sanitary engineer or sanitary engineering department of a county in a joint district, as determined by the board of directors, shall, in addition to other duties assigned to such THAT engineer or department, assist the board of county commissioners or directors in the performance of their duties under this chapter AND SECTIONS 3734.52 TO 3734.57 OF THE REVISED CODE and shall be charged with such ANY other duties and services in relation thereto as THAT the board prescribes. A board may employ registered professional engineers to assist the sanitary engineer in such THOSE duties and may also employ financial advisers and such ANY other professional services as it considers necessary to assist it in the construction, financing, and maintenance of garbage and refuse SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery facilities. Such contracts of employment shall not require the certificate provided in section 5705.41 of the Revised Code. Payment for such services may be made from the general fund or any other fund legally available for such THAT use at such times as THAT are agreed upon or as determined by the board of county commissioners or directors, which funds may be reimbursed from the proceeds of bonds or notes issued to pay the cost of any improvement to which such THE services related.

(E) A board of county commissioners may issue bonds or bond anticipation notes of the county to pay the cost of preparing general and detailed plans and other data required for the construction of garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facilities in connection with a county or joint district. **SUCH A BOARD OF DIRECTORS OF A JOINT SOLID WASTE MANAGEMENT DISTRICT MAY ISSUE BONDS OR BOND ANTICIPATION NOTES OF THE JOINT GARBAGE AND REFUSE DISPOSAL DISTRICT TO PAY THE COST OF PREPARING GENERAL AND DETAILED PLANS AND OTHER DATA REQUIRED FOR THE CONSTRUCTION OF SOLID WASTE TRANSFER, DISPOSAL, RECYCLING, OR RESOURCE RECOVERY FACILITIES IN CONNECTION WITH A JOINT DISTRICT.** THE bonds and notes shall be issued in accordance with sections 133.01 to 133.65 of the Revised Code, except that the maximum maturity of bonds issued for such THAT purpose shall not exceed ten years. Bond anticipation notes may be paid from the proceeds of bonds issued either to pay the cost of such garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facilities or to pay the cost of such plans and other data.

(F) **TO THE EXTENT AUTHORIZED BY THE SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT APPROVED UNDER SECTION 3734.55 OF THE REVISED CODE OR SUBSEQUENT AMENDED PLANS OF THE DISTRICT APPROVED UNDER SECTION 3734.56 OF THE REVISED CODE,** THE board of county commissioners OF A COUNTY DISTRICT OR BOARD OF DIRECTORS

OF A JOINT DISTRICT may make, publish, and enforce rules for the construction:

(1) PROHIBITING OR LIMITING THE RECEIPT OF SOLID WASTES GENERATED OUTSIDE THE DISTRICT OR OUTSIDE A SERVICE AREA PRESCRIBED IN THE PLAN OR AMENDED PLAN, AT FACILITIES COVERED BY THE PLAN, CONSISTENT WITH THE PROJECTIONS CONTAINED IN THE PLAN OR AMENDED PLAN UNDER DIVISIONS (A)(6) AND (7) OF SECTION 3734.53 OF THE REVISED CODE, EXCEPT THAT THE DIRECTOR OF ENVIRONMENTAL PROTECTION MAY ISSUE AN ORDER MODIFYING A RULE ADOPTED UNDER DIVISION (F)(1) OF THIS SECTION TO ALLOW THE DISPOSAL IN THE DISTRICT OF WASTES FROM ANOTHER COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT IF ALL OF THE FOLLOWING APPLY:

(a) THE DISTRICT IN WHICH THE WASTES WERE GENERATED DOES NOT HAVE SUFFICIENT CAPACITY TO DISPOSE OF SOLID WASTES GENERATED WITHIN IT FOR SIX MONTHS FOLLOWING THE DATE OF THE DIRECTOR'S ORDER;

(b) NO NEW SOLID WASTE FACILITIES WILL BEGIN OPERATION DURING THOSE SIX MONTHS IN THE DISTRICT IN WHICH THE WASTES WERE GENERATED AND, DESPITE GOOD FAITH EFFORTS TO DO SO, IT IS IMPOSSIBLE TO SITE NEW SOLID WASTE FACILITIES WITHIN THE DISTRICT BECAUSE OF ITS HIGH POPULATION DENSITY;

(c) THE DISTRICT IN WHICH THE WASTES WERE GENERATED HAS MADE GOOD FAITH EFFORTS TO NEGOTIATE WITH OTHER DISTRICTS TO INCORPORATE ITS DISPOSAL NEEDS WITHIN THOSE DISTRICTS' SOLID WASTE MANAGEMENT PLANS, INCLUDING EFFORTS TO DEVELOP JOINT FACILITIES AUTHORIZED UNDER SECTION 343.02 OF THE REVISED CODE, AND THE EFFORTS HAVE BEEN UNSUCCESSFUL;

(d) THE DISTRICT IN WHICH THE WASTES WERE GENERATED HAS LOCATED A FACILITY WILLING TO ACCEPT THE DISTRICT'S SOLID WASTES FOR DISPOSAL WITHIN THE RECEIVING DISTRICT;

(e) THE DISTRICT IN WHICH THE WASTES WERE GENERATED HAS DEMONSTRATED TO THE DIRECTOR THAT THE CONDITIONS SPECIFIED IN DIVISIONS (F)(1)(a) TO (d) OF THIS SECTION HAVE BEEN MET;

(f) THE DIRECTOR FINDS THAT THE ISSUANCE OF THE ORDER WILL BE CONSISTENT WITH THE STATE SOLID WASTE MANAGEMENT PLAN AND THAT RECEIPT OF THE OUT-OF-DISTRICT WASTES WILL NOT LIMIT THE CAPACITY OF THE RECEIVING DISTRICT TO DISPOSE OF ITS IN-DISTRICT WASTES TO LESS THAN EIGHT YEARS.

ANY ORDER ISSUED UNDER DIVISION (F)(1) OF THIS SECTION SHALL NOT BECOME FINAL UNTIL THIRTY DAYS AFTER IT HAS BEEN SERVED BY CERTIFIED MAIL UPON THE COUNTY

**OR JOINT SOLID WASTE MANAGEMENT DISTRICT THAT WILL RECEIVE THE OUT-OF-DISTRICT WASTES.**

(2) GOVERNING THE maintenance, protection, and use of garbage and refuse SOLID WASTE collection and TRANSFER, disposal, refuse recycling, or resource recovery facilities located within its county, but outside a joint district. The board of directors of a joint district may make, publish, and enforce such rules for facilities located within the joint district. Such THE rules ADOPTED UNDER DIVISION (F)(2) OF THIS SECTION shall not ESTABLISH DESIGN STANDARDS FOR SOLID WASTE TRANSFER, DISPOSAL, RECYCLING, AND RESOURCE RECOVERY FACILITIES AND SHALL be inconsistent CONSISTENT with SECTIONS 3734.01 TO 3734.13 OF THE REVISED CODE AND the rules of the director of environmental protection ADOPTED UNDER THOSE SECTIONS. No garbage and refuse THE RULES ADOPTED UNDER DIVISION (F)(2) OF THIS SECTION MAY PROHIBIT ANY PERSON, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION FROM CONSTRUCTING, ENLARGING, OR MODIFYING ANY SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facility shall be constructed in any county or joint district outside municipal corporations by any person until the plans and specifications for such facility have been approved by the board of county commissioners or directors having jurisdiction. Such GENERAL PLANS AND SPECIFICATIONS FOR THE PROPOSED IMPROVEMENT HAVE BEEN SUBMITTED TO AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS AS COMPLYING WITH THE SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN OF THE DISTRICT. THE construction OF SUCH A FACILITY shall be done under the supervision of the county sanitary engineer, or in the case of a joint district, a county sanitary engineer designated by the board of directors, and any person, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION proposing or constructing such improvements shall pay to the county or joint district all expenses incurred by the board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for the laying out of county and joint garbage and refuse disposal districts or for designing garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facilities OR FOR SUPERVISING THE CONSTRUCTION, ENLARGEMENT, MODIFICATION, OR OPERATION OF ANY SUCH FACILITIES. No person, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for such THAT purpose. A board shall, if actual damage is done to property by the making of such THE surveys and examinations, pay the reasonable value of such THAT damage to the owner of the property damaged, and such THE cost shall be included in the financing of the improvement for which such THE surveys and examinations are made.

(3) GOVERNING DEVELOPMENT AND IMPLEMENTATION OF 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 SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN. A BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OR ITS AUTHORIZED REPRESENTATIVE MAY ENTER UPON THE PREMISES OF ANY SOLID WASTE FACILITY INCLUDED IN THE DISTRICT'S SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN FOR THE PURPOSE OF CONDUCTING THE INSPECTIONS REQUIRED OR AUTHORIZED BY THE RULES ADOPTED UNDER DIVISION (F)(3) OF THIS SECTION. NO PERSON, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION SHALL FORBID OR INTERFERE WITH A BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OR ITS AUTHORIZED REPRESENTATIVE ENTERING UPON THE PREMISES OF ANY SUCH SOLID WASTE FACILITY FOR THAT PURPOSE.

(G) A board of county commissioners or board of directors may enter into a contract with any individual, partnership, or private corporation PERSON, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION for the operation and maintenance of any such SOLID WASTE DISPOSAL, RECYCLING, OR RESOURCE RECOVERY facilities, regardless of whether such THE facilities are owned or leased by the county or joint district or the contractor.

(G)(H)(1) No person, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION shall tamper with or damage any garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facility constructed under this chapter or any apparatus or accessory connected therewith or pertaining thereto, or fail or refuse to comply with the APPLICABLE rules prescribed ADOPTED by a board of county commissioners or directors UNDER DIVISION (F)(1), (2), OR (3) OF THIS SECTION, or refuse to permit the AN inspection or examination by a sanitary engineer AS AUTHORIZED UNDER DIVISION (F)(2) OF THIS SECTION, OR REFUSE TO PERMIT AN INSPECTION BY A BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OR ITS AUTHORIZED REPRESENTATIVE AS REQUIRED OR AUTHORIZED BY RULES ADOPTED UNDER DIVISION (F)(3) OF THIS SECTION. All fines imposed and collected shall be credited to the improvement or maintenance fund of the county or joint district as the board of county commissioners or directors directs.

(H)(2) NO PERSON, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION SHALL DELIVER, OR CAUSE THE DELIVERY OF, ANY SOLID WASTES GENERATED WITHIN A COUNTY OR JOINT DISTRICT TO ANY SOLID WASTE TRANSFER, DISPOSAL, RECYCLING, OR RESOURCE RECOVERY FACILITY OTHER THAN THE FACILITY DESIGNATED IN THE SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN OF THE DISTRICT APPROVED UNDER SEC-

TION 3734.55 OR 3734.56 OF THE REVISED CODE. UPON THE REQUEST OF THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION OR TOWNSHIP, THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY DISTRICT OR BOARD OF DIRECTORS OF A JOINT DISTRICT MAY AUTHORIZE THE DELIVERY OF ALL OR ANY PORTION OF THE SOLID WASTES GENERATED IN THE MUNICIPAL CORPORATION OR TOWNSHIP TO A SOLID WASTE TRANSFER, DISPOSAL, RECYCLING, OR RESOURCE RECOVERY FACILITY OTHER THAN THE FACILITY DESIGNATED IN THE DISTRICT'S APPROVED OR AMENDED PLAN, 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 APPROVED PLAN OR AMENDED PLAN UNDER DIVISIONS (A)(6) AND (7) OF SECTION 3734.53 OF THE REVISED CODE AND WILL NOT ADVERSELY AFFECT THE IMPLEMENTATION AND FINANCING OF THE DISTRICT'S APPROVED PLAN OR AMENDED PLAN PURSUANT TO THE IMPLEMENTATION SCHEDULE CONTAINED IN IT UNDER DIVISIONS (A)(12)(a) TO (d) OF THAT SECTION.

(I) DIVISIONS (F)(1) TO (3) AND (H)(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 THAT IS NOT COMBINED IN ANY WAY WITH GARBAGE AT ONE OR MORE PREMISES OWNED BY THE GENERATOR.

(J) As used in this chapter, "board":

(1) "BOARD of county commissioners" includes, in addition to any such board selected under Chapter 302. or 305. of the Revised Code, any legislative authority that a county establishes under Sections 3 and 4 of Article X, Ohio Constitution, except where the context requires otherwise.

(2) "SOLID WASTES," "DISPOSAL," "FACILITY," AND "TRANSFER FACILITY" HAVE THE SAME MEANINGS AS IN SECTION 3734.01 OF THE REVISED CODE.

(3) This chapter does not prohibit or otherwise limit the authority of a board of county commissioners, including a board of county commissioners participating in a joint garbage and refuse disposal district under this chapter, to establish or maintain one or more independent county garbage

and refuse disposal districts or one or more independent county garbage and refuse disposal facilities or to enter into an agreement with another county or counties to establish or maintain a joint garbage and refuse disposal agency or district under this chapter or Chapter 167, or sections 207.14 to 207.19 of the Revised Code, or as otherwise provided by law.

Sec. 843.011. (A) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR THE BOARD OF DIRECTORS OF A JOINT SOLID WASTE MANAGEMENT DISTRICT ESTABLISHED UNDER THIS CHAPTER MAY, UPON ITS OWN INITIATIVE OR AT THE REQUEST OF THE LEGISLATIVE AUTHORITY OF ANY MUNICIPAL CORPORATION OR TOWNSHIP LOCATED IN THE DISTRICT, ADOPT A RESOLUTION PROPOSING THE FORMATION OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY FOR THE PURPOSE OF EXECUTING ALL THE DUTIES AND RESPONSIBILITIES IMPOSED ON OR GRANTED TO THE BOARD UNDER THIS CHAPTER. UPON ADOPTION OF SUCH A RESOLUTION, THE BOARD SHALL SEND A COPY OF IT TO THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION AND TOWNSHIP LOCATED IN THE DISTRICT AND SHALL REQUEST EACH LEGISLATIVE AUTHORITY TO VOTE ON THE QUESTION OF THE FORMATION OF SUCH A REGIONAL AUTHORITY.

THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS SHALL DECLARE THE PROPOSAL TO HAVE BEEN ADOPTED UPON DETERMINING THAT THE LEGISLATIVE AUTHORITIES OF A COMBINATION OF MUNICIPAL CORPORATIONS AND TOWNSHIPS WITH A COMBINED POPULATION WITHIN THE BOUNDARIES OF THE DISTRICT COMPRISING AT LEAST SIXTY PER CENT OF THE TOTAL POPULATION OF THE DISTRICT HAVE APPROVED THE PROPOSAL, PROVIDED THAT THAT COMBINATION SHALL INCLUDE THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION IN EACH COUNTY WITHIN THE BOUNDARIES OF THE DISTRICT. UPON THE ADOPTION OF THE PROPOSAL, THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS SHALL ENTER INTO AN AGREEMENT WITH THE LEGISLATIVE AUTHORITIES OF THE MUNICIPAL CORPORATIONS AND TOWNSHIPS IN THE DISTRICT TO FORM A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY, WHICH AGREEMENT SHALL INCLUDE, WITHOUT LIMITATION, PROCEDURES FOR THE APPOINTMENT OF A BOARD OF TRUSTEES OF THE AUTHORITY TO BE COMPRISED OF AT LEAST THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY IN THE DISTRICT OR HIS DESIGNEE, THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF EACH COUNTY IN THE DISTRICT OR HIS DESIGNEE, A MEMBER REPRESENTING THE TOWNSHIPS WITHIN EACH COUNTY IN THE

DISTRICT CHOSEN BY A MAJORITY OF THE BOARDS OF TOWNSHIP TRUSTEES WITHIN EACH COUNTY, THE HEALTH COMMISSIONER OF THE HEALTH DISTRICT HAVING THE LARGEST TERRITORIAL JURISDICTION WITHIN EACH COUNTY IN THE DISTRICT OR HIS DESIGNEE, AND ONE MEMBER REPRESENTING THE PUBLIC TO BE APPOINTED BY THE OTHER MEMBERS OF THE BOARD.

THE AGREEMENT FORMING THE REGIONAL AUTHORITY SHALL BE ADOPTED IN THE SAME MANNER AS THE INITIAL PROPOSAL TO FORM THE REGIONAL AUTHORITY. NOT LATER THAN THIRTY DAYS AFTER THE ADOPTION OF THE AGREEMENT, THE BOARD OF TRUSTEES APPOINTED UNDER IT SHALL MAIL A COPY OF THE AGREEMENT TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION.

(B) FOLLOWING THE FORMATION OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY UNDER DIVISION (A) OF THIS SECTION, ALL THE DUTIES AND RESPONSIBILITIES IMPOSED ON OR GRANTED TO A BOARD OF COUNTY COMMISSIONERS OR A BOARD OF DIRECTORS UNDER THIS CHAPTER SHALL BE VESTED IN AND EXERCISED BY THE BOARD OF TRUSTEES OF THE REGIONAL AUTHORITY. THOSE DUTIES AND RESPONSIBILITIES SHALL INCLUDE, WITHOUT LIMITATION:

(1) APPOINTMENT OF EMPLOYEES NECESSARY TO MANAGE THE AFFAIRS OF THE DISTRICT, INCLUDING, WITHOUT LIMITATION, AN EXECUTIVE DIRECTOR, AND A SANITARY ENGINEER OR ENGINEERS TO EXECUTE THE RESPONSIBILITIES ASSIGNED TO THE COUNTY SANITARY ENGINEER UNDER THIS CHAPTER;

(2) ACQUISITION, CONSTRUCTION, IMPROVEMENT, ENLARGEMENT, REPLACEMENT, MAINTENANCE, AND OPERATION OF SOLID WASTE TRANSFER, DISPOSAL, RECYCLING, AND RESOURCE RECOVERY FACILITIES WITHIN THE DISTRICT;

(3) ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES IN ACCORDANCE WITH SECTIONS 133.01 TO 133.65 OF THE REVISED CODE.

(C) IN ADDITION TO THE DUTIES AND RESPONSIBILITIES IDENTIFIED IN DIVISION (B) OF THIS SECTION AND DIVISION (H) OF SECTION 3734.54 OF THE REVISED CODE, THE BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY MAY DO ANY OF THE FOLLOWING:

(1) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS;

(2) MAINTAIN AN OFFICE WITHIN ITS COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT;

(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;

(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;

(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 OFFICIAL CAPACITY AS A MEMBER OF THE BOARD OR RESULTING SOLELY OUT OF HIS MEMBERSHIP ON THE BOARD;

(6) SUE OR BE SUED;

(7) MAKE CONTRACTS IN THE EXERCISE OF THE RIGHTS, POWERS, AND DUTIES CONFERRED UPON THE REGIONAL AUTHORITY;

(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 3734.57 OF THE REVISED CODE.

(D) AS USED IN THIS CHAPTER AND IN DIVISIONS (D) TO (F) OF SECTION 3734.57 OF THE REVISED CODE, AND AS USED IN SECTIONS 183.01 TO 183.66 OF THE REVISED CODE FOR THE PURPOSES OF THIS CHAPTER, ANY REFERENCE TO A BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR A BOARD OF DIRECTORS OF A JOINT SOLID WASTE MANAGEMENT DISTRICT IS DEEMED TO INCLUDE THE BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY, AND ANY REFERENCE TO THE COUNTY SANITARY ENGINEER IS DEEMED TO INCLUDE ANY SANITARY ENGINEER EMPLOYED BY A REGIONAL AUTHORITY.

Sec. 343.02. Whenever any portion of a county or joint garbage and refuse disposal district is incorporated as or annexed to a municipal corporation, the area incorporated or annexed shall remain under the jurisdiction of the board of county commissioners or board of directors for garbage and refuse disposal, refuse recycling, or resource recovery purposes, until the garbage and refuse disposal, refuse recycling, or resource recovery facilities for the area, for which detailed plans have been prepared and the resolution declaring the necessity thereof has been adopted by the board, are completed and the principal of and interest on any bonds issued to finance the improvement are paid in full, or until the board abandons the projects.

Such incorporation or annexation of any part of a county or joint garbage and refuse disposal district shall not interfere with or render illegal any issue of bonds made under section 343.07 of the Revised Code to provide payment for the cost of construction and maintenance of any such facilities for the area. A board of county commissioners or BOARD OF DIRECTORS OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT may contract with any PERSON, municipal corporation, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION located within or outside its district for the furnishing TO THE DISTRICT OR JOINT DISTRICT of the garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery services of the district, but contracts with municipal corporations for territory outside the county or joint district shall be limited to surplus capacity of the garbage and refuse disposal, refuse recycling, or resource recovery facilities of the county or joint district remaining after the needs of the county or joint district have been met. This authority shall be exercised by ordinance or resolution of its legislative authority and without the necessity of competitive bidding.

A board of county commissioners or board of directors may contract with any board of township trustees that has availed itself of sections 505.27 to 505.33 of the Revised Code, and with boards of education, for the furnishing of garbage and refuse disposal, refuse recycling, or resource recovery services to the townships and boards of education. Any board of education availing itself of this service shall act by resolution.

WHEN CONSISTENT WITH THE SOLID WASTE MANAGEMENT PLAN APPROVED UNDER SECTION 3724.55 OF THE REVISED CODE OR AMENDED SOLID WASTE MANAGEMENT PLAN APPROVED UNDER SECTION 3734.56 OF THE REVISED CODE, THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF A COUNTY OR JOINT DISTRICT MAY ENTER INTO AN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF ANOTHER COUNTY OR JOINT DISTRICT AUTHORIZING THE JOINT USE OF FACILITIES WITHIN THE DISTRICTS. TO THE EXTENT CONSISTENT WITH THE PLANS OR AMENDED PLANS OF THE DISTRICTS INVOLVED, THE BOARDS OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICTS MAY ENTER INTO A JOINT USE AGREEMENT UPON SUCH TERMS AND FOR SUCH LENGTHS OF TIME AS THE BOARDS CONSIDER APPROPRIATE.

Sec. 343.03. THE PROSECUTING ATTORNEY OF THE COUNTY WHERE A VIOLATION OF DIVISION (F)(2) OR (3) OR (H)(1) OR (2) OF SECTION 343.01 OF THE REVISED CODE HAS OCCURRED, IS OCCURRING, OR MAY OCCUR, UPON THE REQUEST OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY DISTRICT OR OF THE BOARD OF DIRECTORS OF THE JOINT SOLID WASTE MANAGEMENT DISTRICT HAVING JURISDICTION, SHALL PROSECUTE TO TERMINATION OR BRING A CIVIL ACTION FOR APPROPRIATE RELIEF AGAINST ANY PERSON, MU-

MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION THAT HAS VIOLATED, IS VIOLATING, OR IS THREATENING TO VIOLATE ANY OF THOSE DIVISIONS. THE COURT OF COMMON PLEAS IN WHICH THE CIVIL ACTION IS FILED HAS JURISDICTION TO AND SHALL GRANT APPROPRIATE RELIEF, INCLUDING A TEMPORARY RESTRAINING ORDER OR A PRELIMINARY OR PERMANENT INJUNCTION, UPON A SHOWING THAT THE PERSON, MUNICIPAL CORPORATION, TOWNSHIP, OR OTHER POLITICAL SUBDIVISION AGAINST WHOM THE ACTION IS BROUGHT HAS VIOLATED, IS VIOLATING, OR IS THREATENING TO VIOLATE ANY OF THOSE DIVISIONS. THE COURT SHALL GIVE PRECEDENCE TO SUCH AN ACTION OVER ALL OTHER CASES.

Sec. 343.04. A board of county commissioners or board of directors of a county or joint garbage and refuse disposal SOLID WASTE MANAGEMENT district may, after the establishment of the district, have a general plan of garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facilities for the district prepared by the county sanitary engineer of a county district or, in the case of a joint district, by a county sanitary engineer of one of the counties participating in the joint district, as determined by the board of directors. THE GENERAL FACILITIES PLAN SHALL BE CONSISTENT WITH THE SOLID WASTE MANAGEMENT PLAN OF THE COUNTY OR JOINT DISTRICT APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.55 OF THE REVISED CODE AND THE MOST CURRENT AMENDED PLAN OF THE DISTRICT APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.56 OF THE REVISED CODE, IF ANY. After the general FACILITIES plan has been approved by the board, it shall have the engineer prepare detailed plans, specifications, and estimates of the cost of the ANY PROPOSED improvement, which, upon approval by the board, shall be carefully preserved in the office of the board or the engineer, and shall be open to inspection by all persons interested in the improvement. After approval of the detailed plans, specifications, and estimates of cost, a board shall adopt a resolution declaring that the improvement is necessary for the preservation and promotion of public health and welfare, designating the character of the improvement referring to the plans, specifications, and estimates of cost, stating the place where the plans, specifications, and estimates are on file and may be examined, and, in the case of a county district, stating what part of the costs of such THE improvement shall be paid by the county at large, and, in the case of a joint district, what part of the costs, if any, will be derived from contributions from participating counties, and, in either case, what part shall be paid by the issuance of bonds payable from the revenues of the improvement as provided by section 343.07 of the Revised Code.

A resolution shall contain a description of the boundaries of the county or joint garbage and refuse disposal district and shall designate when and where objections to the improvement or the boundaries of the

district will be heard by the board. The date of the hearing shall not be less than twenty-four days after the date of the first publication of the resolution. The board shall cause the resolution to be published once a week, for two consecutive weeks, in a newspaper of general circulation within the county or counties in which the district is located. Notice of the hearing shall be mailed to the clerk of any municipal corporation any part of which lies within the district. A hearing shall be granted to all parties interested PARTIES at a time and place fixed by the resolution and notice. Written objections to or endorsements of the proposed improvement or the boundaries of the district shall be received for a period of five days after the hearing, and the board of county commissioners or directors shall take no action until after that period has elapsed. The minutes of the hearing, showing the persons who appear APPEARED in person or by attorney and all written objections, shall be entered on the journal of the board and shall be preserved and filed in the office of the board of county commissioners of a county district or in the office of the board of county commissioners of the county designated by the board of directors in a joint district.

Sec. 343.05. After the expiration of the period of five days provided for the filing of written objections under section 343.04 of the Revised Code, the board of county commissioners of a county garbage and refuse disposal SOLID WASTE MANAGEMENT district or the board of directors of a joint garbage and refuse disposal SOLID WASTE MANAGEMENT district shall determine whether or not it will proceed with the improvement provided for by that section, and shall, if it decides to proceed therewith, ratify or amend the plans for the improvement and the boundaries of the district, and may cause the revision of plans or boundaries to be made by the county sanitary engineer of the county district or the county sanitary engineer of one of the participating counties of a joint district, as designated by the board of directors. If the boundaries of the district are amended so as to include any property not included in the district as originally established, notice and hearing shall be given to the owners of such property in the same manner as for the original hearing under section 343.04 of the Revised Code. If the owners of all property added to the district by amendment to the original district boundaries waive objection to the amendment, in writing, no further notice or hearing shall be given. After a board of county commissioners or directors ratifies the plans for the improvement and the boundaries of the district as originally presented or as amended, and if it decides to proceed therewith, a resolution, to be known as the improvement resolution, shall be adopted by the board. The resolution shall declare the determination of the board to proceed with the construction of the improvement provided for in the resolution of necessity, in accordance with the plans and specifications as ratified or amended, and whether bonds shall be issued as provided by section 343.07 of the Revised Code to pay the cost of the improvement.

Sec. 343.06. After the passage of an improvement resolution under section 343.05 of the Revised Code, no further action shall be taken or work done in connection therewith until ten days have elapsed. If at the ex-

piration of such THAT period no appeal has been effected by any property owner as provided in sections 6117.09 to 6117.24 of the Revised Code, boards of county commissioners may proceed to issue and sell bonds to construct the improvement. If at the end of ten days any owner of property to be charged for garbage or refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery service has effected such an appeal, such work shall not proceed until the matters appealed from are disposed of by the probate court.

Sec. 343.07. (A) A board of county commissioners may issue bonds of the county for the purpose of paying a part of OR the whole cost of the acquisition, construction, ENLARGEMENT, MODIFICATION, or repair of any improvement provided for in this chapter in connection with a county or joint garbage and refuse disposal SOLID WASTE MANAGEMENT district, including the expenses of the sanitary engineer and all other expenses necessary and incidental thereto. The cost of any such THE improvement shall include, without limiting such THAT cost, the cost of acquiring any necessary real estate, and any trucks, rolling stock, or equipment necessary for the proper operation of the improvement. Such THE bonds shall state the particular improvement on account of which they are issued and the date of the resolution of the board authorizing their issuance. Such THE bonds shall be of such denominations and shall mature as provided in the improvement resolution, but shall mature no later than forty years from the date thereof, and shall be payable in annual or semiannual installments, beginning not later than five years from the date thereof, in such principal amounts that the total principal and interest payments in each year shall be substantially equal.

The board shall, in the legislation authorizing the issuance of the bonds, provide that they shall not constitute general obligations of the county or be secured by the general credit and taxing power of the county, but shall be payable solely, as to principal and interest, from the revenues of the improvement, constructed with the proceeds of the sale of the bonds, as derived from the rates or charges established for such services under section 343.08 of the Revised Code, in which event the board of county commissioners of a county district or the board of directors of a joint district shall covenant to fix rates or charges sufficient to provide adequate funds for such THAT purpose, after payment of the cost of management, maintenance, and operation of such garbage and refuse THE SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery facilities, and the board of directors of a joint district shall covenant to pay over to counties issuing the bonds adequate funds derived from the rates or charges to pay the principal and interest on the bonds.

The surplus net revenues in any year, over and above the amount of principal and interest payable in that year and such ANY additional amount as is provided in the resolution authorizing the bonds to be held as a reserve for debt service, may be used for the enlargement and replacement of such garbage and refuse THE SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery facilities.

(B) In addition to the power to issue bonds under division (A) of this section, a board of county commissioners may issue bonds of the county, in compliance with sections 133.01 to 133.65 of the Revised Code, to pay for that part of the cost of an improvement in a county or joint district that is to be borne by the county at large, and may provide that ~~such~~ THE bonds shall be general obligations of the county payable from taxes to be levied upon all the taxable property therein, provided that such general obligation bonds may also be made payable primarily from the net revenues derived from ~~such~~ THE improvement and such net revenues may be pledged for the payment of the interest and principal thereof.

(C) A BOARD OF DIRECTORS OF A JOINT SOLID WASTE MANAGEMENT DISTRICT MAY ISSUE BONDS OF THE JOINT DISTRICT, IN COMPLIANCE WITH SECTIONS 133.01 TO 133.65 OF THE REVISED CODE, TO PAY FOR THAT PART OF THE COST OF AN IMPROVEMENT IN A JOINT DISTRICT THAT IS TO BE BORNE BY THE DISTRICT AT LARGE, AND MAY PROVIDE THAT THE BONDS SHALL BE GENERAL OBLIGATIONS OF THE DISTRICT PAYABLE FROM TAXES TO BE LEVIED UPON ALL TAXABLE PROPERTY LOCATED IN THE DISTRICT, PROVIDED THAT SUCH GENERAL OBLIGATION BONDS MAY ALSO BE PAYABLE FROM NET REVENUES DERIVED FROM THE IMPROVEMENT AND SUCH NET REVENUES MAY BE PLEDGED FOR THE INTEREST AND PRINCIPAL OF THE BONDS.

Sec. 343.08. (A) The board of county commissioners of a county ~~garbage and refuse disposal~~ SOLID WASTE MANAGEMENT district and the board of directors of a joint ~~garbage and refuse disposal~~ SOLID WASTE MANAGEMENT district may fix reasonable rates or charges to be paid by every person, ~~board of MUNICIPAL CORPORATION, township trustees, or board of education~~ OTHER POLITICAL SUBDIVISION that owns premises to which the SOLID WASTE collection ~~or~~ TRANSFER, disposal of garbage and refuse, ~~refuse, recycling, or resource recovery service is made available,~~ PROVIDED BY THE DISTRICT and may change ~~such~~ THE rates or charges whenever it considers it advisable. Charges for collection, TRANSFER, disposal, ~~refuse recycling, or resource recovery service shall be made only against lots or parcels that are improved, or in the process of being improved, with at least one permanent, portable, or temporary building. When any such charges are not paid, the board shall certify them to the county auditor of the county where the lots or parcels are located, who shall place them upon the real property duplicate against the property served by~~ ~~such~~ THE collection ~~or~~ TRANSFER, disposal, ~~or both,~~ RECYCLING, OR RESOURCE RECOVERY SERVICE and such charges shall be a lien on ~~such~~ THE property from the date they are placed upon the real property duplicate by the auditor, and shall be collected in the same manner as other taxes. The county or joint district need not fix a rate or charge against property if it operates no collection system.

Where a county or joint district owns or operates a ~~garbage and refuse~~ SOLID WASTE TRANSFER, disposal, ~~refuse recycling, or re-~~

source recovery facility, either without a collection system, or in conjunction therewith, the board of county commissioners or board of directors may fix reasonable rates or charges for the use of such THE facility by PERSONS, MUNICIPAL CORPORATIONS, TOWNSHIPS, AND OTHER political subdivisions, corporations, private collectors, and other users, may contract with any public authority or person for the collection of garbage and refuse SOLID WASTES in any part of any district for disposal OR TRANSFER in any garbage and refuse SOLID WASTE TRANSFER, disposal, refuse recycling, or resource recovery facility, or may lease any such THE facility to any public authority or person. The cost of collection, TRANSFER, disposal, refuse recycling, or resource recovery under such contracts may be paid by rates or charges fixed and collected under this section or by rates and charges fixed under such THOSE contracts and collected by the contractors.

All moneys collected BY OR ON BEHALF OF A COUNTY OR JOINT DISTRICT as rates or charges for garbage and refuse SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery service in any district shall be paid to the county treasurer in a county district or to the county treasurer designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. The fund shall be used for the payment of the cost of the management, maintenance, and operation of the garbage and refuse SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery facilities of the district, which cost may include, in accordance with a cost allocation plan adopted under division (B) of this section, all allowable direct and indirect costs of the district, the sanitary engineer or sanitary engineering department, or a federal or state grant program, incurred for the purposes of this chapter. Any surplus may be used for the enlargement, MODIFICATION, or replacement of such facilities, and for the payment of the interest and principal on bonds and bond anticipation notes issued pursuant to section 343.07 of the Revised Code. In no case shall money so collected be expended otherwise than for the use and benefit of such THE district.

A board of county commissioners or directors may, in lieu INSTEAD of operating and maintaining garbage and refuse SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery facilities of the district with county or joint district personnel, enter into a contract with a municipal corporation having territory within the district pursuant to which the operation and maintenance of such THE facilities would WILL be performed by such THE municipal corporation.

The products of any garbage and refuse SOLID WASTE collection, TRANSFER, disposal, refuse recycling, or resource recovery facility owned under this chapter shall be sold through competitive bidding in accordance with section 307.12 of the Revised Code, except when a board of county commissioners or directors determines by resolution that it is in the public interest to sell such THOSE products in a commercially reasonable manner without competitive bidding.

(B) A board of county commissioners or directors may adopt a cost allocation plan that identifies, accumulates, and distributes allowable di-

rect and indirect costs that may be paid from the fund of the district created in division (A) of this section and prescribes methods for allocating those costs. The plan shall authorize payment from the fund for only those costs incurred by the district, the sanitary engineer or sanitary engineering department, or a federal or state grant program, and those costs incurred by the general and other funds of the county for a common or joint purpose, that are necessary and reasonable for the proper and efficient administration of the district under this chapter. The plan shall not authorize payment from the fund of any general government expense required to carry out the overall governmental responsibilities of a county. The plan shall conform to United States office of management and budget Circular A-87 "Cost Principles for State and Local Governments," published January 15, 1983.

(C) A board of county commissioners or directors shall fix rates or charges, or enter into contracts fixing the rates or charges to be collected by the contractor, for ~~garbage and refuse~~ SOLID WASTE COLLECTION, TRANSFER, disposal or collection, refuse recycling, or resource recovery services at a public meeting held in accordance with section 121.22 of the Revised Code. In addition to fulfilling the requirements of section 121.22 of the Revised Code, the board shall, before fixing or changing rates or charges for ~~garbage and refuse~~ SOLID WASTE COLLECTION, TRANSFER, disposal or collection, refuse recycling, or resource recovery services, or before entering into a contract that fixes rates or charges to be collected by the contractor providing the services, hold at least three public hearings on the proposed rates, charges, or contract. Prior to the first such public hearing, the board shall publish NOTICE OF THE PUBLIC HEARINGS once a week for three consecutive weeks, in a newspaper of general circulation in the county or counties that would be affected by the proposed rates, charges, or contract, notice of the public hearings. The notice shall include a listing of the proposed rates or charges to be fixed and collected by the board or fixed pursuant to the contract and collected by the contractor, and the dates, time, and place of each of the three hearings thereon. The board shall hear any person who wishes to testify on the proposed rates, charges, or contract.

**Sec. 343.99. Whoever violates division (G)(F)(2) OR (3) OR (H)(1) OR (2) of section 343.01 of the Revised Code shall be fined not more than one hundred FIVE THOUSAND dollars. EACH DAY OF EACH VIOLATION IS A SEPARATE OFFENSE. NOTWITHSTANDING ANY OTHER SECTION OF THE REVISED CODE RELATING TO THE DISTRIBUTION OR CREDITING OF FINES FOR VIOLATIONS OF THE REVISED CODE, ALL FINES IMPOSED UNDER THIS SECTION SHALL BE DEPOSITED INTO THE SPECIAL FUND, CREATED IN ACCORDANCE WITH DIVISION (E) OF SECTION 3734.57 OF THE REVISED CODE, OF THE COUNTY OR JOINT COUNTY SOLID WASTE MANAGEMENT DISTRICT WHERE THE VIOLATION OCCURRED.**

Sec. 505.12. The board of township trustees may secure, maintain, and provide for sanitary dumps, SOLID WASTE FACILITIES AS DEFINED IN SECTION 3734.01 OF THE REVISED CODE if in its opinion, such dumps THE FACILITIES are necessary, and for such THAT purpose the board may purchase, rent, lease, or otherwise acquire such land as is suitable for dumping purposes THOSE FACILITIES. And the THE boards of township trustees of any two or more townships or the legislative authorities of any two or more political subdivisions, or any combination thereof, may through joint action unite in the joint purchase, rental, maintenance, use, and operation of sanitary dumps, SOLID WASTE FACILITIES and prorate the expense on such ANY terms as THAT may be mutually agreed upon. The selection of any site must SHALL have the approval of the local BOARD OF health department and such dumps shall be maintained in a manner which meets the approval of such department OF THE HEALTH DISTRICT IN WHICH THE FACILITY WILL BE LOCATED.

WHEN SO REQUIRED BY RULES ADOPTED UNDER DIVISION (F)(2) OF SECTION 343.01 OF THE REVISED CODE, THE BOARD OF TOWNSHIP TRUSTEES SHALL, BEFORE CONSTRUCTING, ENLARGING, OR MODIFYING A SOLID WASTE FACILITY, OBTAIN APPROVAL FOR THE FACILITY FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY, OR BOARD OF DIRECTORS OF THE JOINT SOLID WASTE MANAGEMENT DISTRICT, OR BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY IF SUCH HAS BEEN FORMED UNDER SECTION 343.011 OF THE REVISED CODE, HAVING JURISDICTION FOR COMPLIANCE WITH THE INITIAL OR AMENDED SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT APPROVED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE.

Sec. 505.27. Boards of township trustees, either severally or jointly, may provide, maintain, and operate facilities for the collection, TRANSFER, and disposal of garbage and refuse SOLID WASTES or may enter into written contracts with the proper municipal or county authorities or with independent contractors for such services for the township, or for a waste disposal district as provided in section 505.28 of the Revised Code.

WHEN SO REQUIRED BY RULES ADOPTED UNDER DIVISION (F)(2) OF SECTION 343.01 OF THE REVISED CODE, A BOARD OF TOWNSHIP TRUSTEES SHALL, BEFORE CONSTRUCTING, ENLARGING, OR MODIFYING A SOLID WASTE FACILITY AS DEFINED IN SECTION 3734.01 OF THE REVISED CODE, OBTAIN APPROVAL FOR THE FACILITY FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY, OR BOARD OF DIRECTORS OF THE JOINT SOLID WASTE MANAGEMENT DISTRICT, OR BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY IF SUCH HAS BEEN FORMED UNDER SECTION 343.011 OF THE REVISED CODE, HAVING JURISDICTION FOR COMPLIANCE WITH THE

**INITIAL OR AMENDED SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT APPROVED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE.**

Sec. 1502.04. There is hereby created within the division of litter prevention and recycling the litter prevention and recycling advisory council consisting of eleven members, to be appointed by the governor with the advice and consent of the senate, who shall be persons with knowledge or experience in litter prevention or recycling programs. The council shall have broad based representation of interests including agriculture, labor, the environment, manufacturing, wholesale and retail industry, and the public. One of the business members shall be from the commercial recycling industry, and another shall be from an industry required to pay taxes under section 5733.065 of the Revised Code. The director of natural resources shall not be a member of the council. The governor shall make the initial appointments to the council within thirty days after the effective date of this amendment OCTOBER 20, 1987. Of the initial appointments to the council, five shall be for a term of one year and six shall be for a term of two years. Thereafter, terms of office shall be for two years. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. In the event of death, removal, resignation, or incapacity of a member of the council, the governor, with the advice and consent of the senate, shall appoint a successor who shall hold office for the remainder of the term for which his predecessor was appointed. A member shall continue in office subsequent to the expiration date of his term until his successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

The council shall hold at least four regular quarterly meetings each year. Special meetings may be held at the behest of the chairperson or a majority of the members. The council shall annually select from among its members a chairperson, a vice-chairperson, and a secretary to keep a record of its proceedings.

The governor may at any time remove a member of the council for misfeasance, nonfeasance, or malfeasance in office.

A majority vote of the members of the council is necessary to take action in any matter.

Membership on the council does not constitute holding a public office or position of employment under the laws of this state and does not constitute a grounds for removal of public officers or employees from their offices or positions of employment.

The council shall:

(A) In conjunction with the chief of litter prevention and recycling and with the approval of the director of natural resources, establish criteria by which to certify agencies of the state, municipal corporations, counties, COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS ESTABLISHED UNDER SECTION 343.01 OF THE REVISED CODE, townships, park districts created under section 1545.04 of the Revised Code, township park districts created under section 511.18 of the Revised Code, and boards of education of city, exempted village, local, and

joint vocational school districts as eligible to receive grants under section 1502.05 of the Revised Code;

(B) In conjunction with the chief and with the approval of the director, certify agencies of the state, municipal corporations, counties, COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS, townships, park districts, township park districts, and boards of education of city, exempted village, local, and joint vocational school districts as eligible to receive grants under section 1502.05 of the Revised Code;

(C) Advise the chief in carrying out his duties under this chapter.

A member of the council shall serve without compensation for attending council meetings, but shall be reimbursed for all traveling, hotel, and other ordinary and necessary expenses incurred in the performance of his work as a member of the council.

Sec. 1502.05. The chief of litter prevention and recycling, with the approval of the director of natural resources, and, in the instance of grants to agencies of the state, with the approval of the controlling board, may make grants from the litter prevention and recycling fund created in section 1502.02 of the Revised Code to agencies of the state, municipal corporations, counties, COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS ESTABLISHED UNDER SECTION 843.01 OF THE REVISED CODE, townships, township park districts created under section 511.18 of the Revised Code, park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts certified as eligible pursuant to section 1502.04 of the Revised Code for the following purposes:

(A) Collecting litter along public streets, roads, and highways, on recreation lands, and on or along the waters of the state. A municipal corporation, county, or township may enter into contracts with a political subdivision within the county having jurisdiction over the county jail or a workhouse, with the department of youth services, with the department of rehabilitation and correction, with any community service or human services agency of a political subdivision, or with any nonprofit community service or human services agency to use adults, prisoners, or youth under its jurisdiction to collect litter within the political subdivision. A political subdivision may expend grant moneys received under this division to defray the costs of supervising the adults, prisoners, or youth so assigned and for supervising misdemeanants collecting litter as community service under their probation.

(B) Planning and providing for the safe and convenient containment of litter;

(C) Identifying methods of recycling. Grant moneys may also be used under this division to provide funding directly to municipal corporations, counties, COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS, and townships for planning, development, and implementation of demonstration recycling programs operated by those political subdivisions OR DISTRICTS.

(D) Organizing and conducting educational programs designed to increase public awareness of the litter problem, the need for compliance with antilitter laws, the need for recycling, and the availability of community recycling centers;

(E) Designing new or adopting existing antilitter and recycling symbols for use in its program under division (D) of this section;

(F) Conducting initial surveys of the amount and composition, by item, weight, and volume, of the litter on public streets, roads, highways, and recreation lands and on or along the waters of the state in areas under their respective jurisdictions, and conducting such follow-up surveys at least on an annual basis to identify and monitor the progress of their litter prevention program in reducing litter. The grant recipient shall select the sites to be surveyed initially to ensure the regular and consistent identification of litter and littering rates representative of the geographic areas and principal land uses under their respective jurisdictions.

(G) Improving enforcement of antilitter laws;

(H) Developing and improving laws promoting litter prevention and recycling;

(I) Posting along the public streets, roads, and highways, on recreation lands, and on or along the waters of the state under their respective jurisdictions signs clearly indicating the penalties imposed for violating the antilitter laws of the state and their respective jurisdictions;

(J) Making grants for the establishment of a new or the expansion of an existing community recycling center to conduct recycling, when the center meets all of the following qualifications:

(1) Has available suitable land or property in or on which to operate, and has obtained or is in the process of obtaining any necessary licenses or permits required by an agency of the state, municipal corporation, county, or township;

(2) Has a detailed business plan for the operation of the center that includes a detailed listing of the full range of materials that will be accepted, a clear description of the accounting and auditing practices to be employed by the center to account accurately for any materials and money received and disbursed by the center, and criteria for determining the adequacy of such THOSE business plans;

(3) Has a plan for marketing materials received or recovered that includes any agreements entered into by the center for their sale, any letters of intent signed by persons who will accept such THOSE materials, and criteria for determining the adequacy of the plan;

(4) Has specified the geographic area that is to be served by the center and has submitted a list of the names and locations of each existing recycling center located in the geographic area to be served by the center.

EACH APPLICANT FOR A GRANT UNDER DIVISION (J) OF THIS SECTION SHALL GIVE NOTICE BY CERTIFIED MAIL OF THE PENDING GRANT APPLICATION TO ALL EXISTING RECYCLING CENTERS AND PRIVATE INDUSTRIES ENGAGED IN RECYCLING IN THE GEOGRAPHIC AREA TO BE SERVED BY THE APPLICANT. THE APPLICANT SHALL ALSO PUBLISH NOTICE OF THE PENDING APPLICATION IN A NEWSPAPER OF

GENERAL CIRCULATION IN THE GEOGRAPHIC AREA TO BE SERVED. THE APPLICANT SHALL INCLUDE IN ALL SUCH NOTICES INFORMATION CONCERNING A PUBLIC HEARING ON THE APPLICATION, WHICH THE APPLICANT SHALL HOLD. THE APPLICANT SHALL FURNISH COPIES TO THE DIRECTOR OF ALL SUCH NOTICES.

No such grant may be made UNDER DIVISION (J) OF THIS SECTION to a municipal corporation, county, COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT, or township for a community recycling center unless the municipal corporation, county, COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT, or township has determined from a THE public hearing that the center would not duplicate the efforts or adversely affect the economic standing of the recycling and marketing OR RESEARCH AND DEVELOPMENT functions already performed by an agency of the state, municipal corporation, county, township, private industry, or another community recycling center.

(KX1) MAKING GRANTS TO FOSTER COOPERATIVE RESEARCH AND DEVELOPMENT REGARDING RECYCLING OR THE COOPERATIVE ESTABLISHMENT OR EXPANSION OF PRIVATE RECYCLING FACILITIES OR PROGRAMS. ALL SUCH GRANTS SHALL BE MADE IN CONJUNCTION WITH A CONTRIBUTION TO THE PROJECT BY A COOPERATING ENTERPRISE THAT MAINTAINS OR PROPOSES TO MAINTAIN A RELEVANT RESEARCH AND DEVELOPMENT OR RECYCLING FACILITY OR PROGRAM IN THIS STATE OR BY AN AGENCY OF THE STATE, PROVIDED THAT FUNDING PROVIDED BY A STATE AGENCY SHALL NOT BE PROVIDED FROM GENERAL REVENUE FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY. NO GRANT MADE UNDER DIVISION (KX1) OF THIS SECTION SHALL EXCEED THE CONTRIBUTION MADE BY THE COOPERATING ENTERPRISE OR STATE AGENCY. THE CHIEF MAY CONSIDER COOPERATING CONTRIBUTIONS IN THE FORM OF STATE OF THE ART NEW EQUIPMENT OR IN OTHER FORMS IF THE CHIEF DETERMINES THAT THE CONTRIBUTION IS ESSENTIAL TO THE SUCCESSFUL IMPLEMENTATION OF THE PROJECT.

GRANTS UNDER DIVISION (KX1) OF THIS SECTION SHALL BE MADE IN SUCH FORM AND CONDITIONED ON SUCH TERMS AS THE CHIEF CONSIDERS TO BE APPROPRIATE.

NO GRANT MAY BE MADE UNDER DIVISION (KX1) OF THIS SECTION UNLESS THE CHIEF HAS DETERMINED FROM A PUBLIC HEARING THAT THE COOPERATIVE PROJECT WOULD NOT DUPLICATE THE EFFORTS OR ADVERSELY AFFECT THE ECONOMIC STANDING OF THE RECYCLING AND MARKETING OR RESEARCH AND DEVELOPMENT FUNCTIONS ALREADY PERFORMED BY AN AGENCY OF THE STATE, MUNICIPAL CORPORATION, COUNTY, TOWNSHIP, PRIVATE INDUSTRY, OR COMMUNITY RECYCLING CENTER.

(2) AS USED IN DIVISION (K) OF THIS SECTION:

(a) "ENTERPRISE" MEANS A BUSINESS WITH ITS PRINCIPAL PLACE OF BUSINESS IN THIS STATE THAT PROPOSES TO ENGAGE IN RESEARCH AND DEVELOPMENT IN THIS STATE OR THAT PROPOSES TO ENGAGE IN RECYCLING IN THIS STATE;

(b) "RESEARCH AND DEVELOPMENT" MEANS INQUIRY, EXPERIMENTATION, OR DEMONSTRATION TO ADVANCE BASIC SCIENTIFIC OR TECHNICAL KNOWLEDGE OR THE APPLICATION, ADAPTATION, OR USE OF EXISTING OR NEWLY DISCOVERED SCIENTIFIC OR TECHNICAL KNOWLEDGE REGARDING RECYCLING.

Any person, agency of the state, municipal corporation, county, township, or community recycling center claiming to be adversely affected by a grant application approved under division (J) OR (K)(1) of this section may, not later than thirty days after the approval of the application, file with the director of natural resources a notice of the adverse effect upon his existing recycling and marketing OR RESEARCH AND DEVELOPMENT functions and request an adjudication hearing on the approved grant application. If the person, agency, political subdivision, or community recycling center that filed the notice of adverse effect shows at the adjudication hearing that the awarding of the grant would have a harmful economic impact on the existing recycling and marketing OR RESEARCH AND DEVELOPMENT functions of that person, agency, political subdivision, or community recycling center or would duplicate existing recycling and marketing functions within the geographic area, the director shall issue an adjudication order revoking approval of the grant. These adjudication hearings shall be conducted under Chapter 119. of the Revised Code. The party adversely affected may appeal the director's order under section 119.12 of the Revised Code, except that appeals from orders issued under this division shall be to the court of common pleas of the county in which the appellant's place of business is located or to the court of common pleas of Franklin county.

(L) Entering into contracts or other agreements, executing any necessary or incidental instruments, or making grants to nonprofit corporations or nonprofit associations, for the performance of activities described in divisions (A) to (F) of this section.

(M) AFTER RECEIVING NOTICE FROM THE DIRECTOR OF ENVIRONMENTAL PROTECTION THAT EACH COUNTY WITHIN THE STATE IS SUBJECT TO THE SOLID WASTE MANAGEMENT PLAN OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT, THE CHIEF SHALL ENSURE THAT NOT LESS THAN FIFTY PER CENT OF THE MONEYS DISTRIBUTED AS GRANTS UNDER THIS SECTION SHALL BE EXPENDED FOR THE PURPOSES OF DIVISIONS (C) AND (J) OF THIS SECTION IN A MANNER CONSISTENT WITH THE PLAN OF THE DISTRICT IN WHICH THE RECYCLING PROGRAM OR CENTER FOR WHICH THE GRANT IS MADE IS LOCATED.

Sec. 3707.39. The legislative authority of a municipal corporation may empower the board of health of the city or general health district of which such THE municipal corporation is a part to employ such number of scavengers for the removal of swill, garbage, and offal from the houses, buildings, yards, and lots within the municipal corporation as are necessary. In such case the board may make contracts therefor, subject to the approval of the legislative authority and signed by the proper officers thereof, and may regulate the work to be done. Upon the request of the board, such THE legislative authority shall lease or purchase suitable lands, the location of which shall be approved by the board, to be used as a dump ground SOLID WASTE FACILITY AS DEFINED IN SECTION 3734.01 OF THE REVISED CODE for such swill, garbage, and offal and other noxious substances removed from the municipal corporation.

No dump ground shall be operated in such a manner as to constitute a nuisance. Any citizen may bring an action to abate such nuisance.

WHEN SO REQUIRED BY RULES ADOPTED UNDER DIVISION (FX2) OF SECTION 343.01 OF THE REVISED CODE, THE MUNICIPAL CORPORATION SHALL, BEFORE CONSTRUCTING, ENLARGING, OR MODIFYING SUCH A FACILITY, OBTAIN APPROVAL FOR THE FACILITY FROM THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY, OR BOARD OF DIRECTORS OF THE JOINT SOLID WASTE DISPOSAL DISTRICT, OR BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY IF SUCH HAS BEEN FORMED UNDER SECTION 343.011 OF THE REVISED CODE, HAVING JURISDICTION FOR COMPLIANCE WITH THE INITIAL OR AMENDED SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT APPROVED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE.

Sec. 3707.40. As used in sections 3707.40 to 3707.46, inclusive, of the Revised Code, "sanitary plant" means a structure with necessary land, fixtures, appliances, and appurtenances required for the treatment, purification, TRANSFER, and disposal in a sanitary manner of the SEWAGE, SOLID WASTES AS DEFINED IN SECTION 3734.01 OF THE REVISED CODE, OR ANY OTHER liquid or solid wastes of a municipal corporation.

Sec. 3707.42. Upon obtaining the approval of the director of environmental protection, AND IF SO REQUIRED BY RULES ADOPTED UNDER DIVISION (FX2) OF SECTION 343.01 OF THE REVISED CODE, THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY, OR BOARD OF DIRECTORS OF THE JOINT SOLID WASTE MANAGEMENT DISTRICT, OR BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY IF SUCH HAS BEEN FORMED UNDER SECTION 343.011 OF THE REVISED CODE, HAVING JURISDICTION WHERE A SANITARY PLANT FOR THE TRANSFER OR DISPOSAL OF SOLID WASTES IS TO BE LOCATED, FOR COMPLIANCE WITH THE INITIAL OR AMENDED SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT APPROVED UNDER SEC-

**TION 3734.55 OR 3734.56 OF THE REVISED CODE**, the legislative authority of a municipal corporation may contract for, erect, and maintain a sanitary plant on the lands acquired as provided in section 3707.41 of the Revised Code, with all necessary buildings, machinery, appliances, and appurtenances for the treatment, purification, **TRANSFER**, and disposal in a sanitary and economic manner of the sewage, garbage, night soil, dead animals, offal, spoiled meats and fish, or other putrid substances **SOLID WASTES AS DEFINED IN SECTION 3734.01 OF THE REVISED CODE**, or any **OTHER** liquid or solid wastes, or any substance injurious to the health of the municipal corporation.

**Sec. 3734.01. As used in this chapter:**

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, infectious solid wastes **TIRES**, combustible and non-combustible material, street dirt, and debris. **"SOLID WASTES" DOES NOT INCLUDE ANY MATERIAL THAT IS AN INFECTIOUS WASTE OR A HAZARDOUS WASTE.**

(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment.

(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code.

(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved in rules adopted by the director under section 3734.02 of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground without compacting the wastes and covering with suitable material to a depth as prescribed by rules adopted by the director **AT A SITE THAT IS NOT LICENSED AS A SOLID WASTE FACILITY** under section ~~3734.03~~ 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical, OR chemical, or infectious characteristics, may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

Hazardous waste includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, further treatment, or disposal; or to reduce the volume of the waste. When used in connection with infectious solid wastes, the terms mean any method, technique, or process designed to render the wastes noninfectious, including, without limitation, steam sterilization and incineration, or, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner.

(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes; **FOR THE TRANSFER OF SOLID WASTES;** for the treatment of infectious solid wastes; or for the storage, treatment, or disposal of hazardous waste.

(O) "Closure" means the time at which a hazardous waste facility will no longer accept hazardous waste for treatment, storage, or disposal, **OR A SOLID WASTE FACILITY WILL NO LONGER ACCEPT SOLID WASTES FOR TRANSFER OR DISPOSAL,** or the effective date of an order revoking the permit for a hazardous waste facility **OR THE LICENSE FOR A SOLID WASTE FACILITY.** The term includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including,

but not limited to, establishment and maintenance of a suitable cover of soil and vegetation over cells in which hazardous waste is OR SOLID WASTES ARE buried; minimization of erosion, the infiltration of surface water into such cells, the production of leachate, and the accumulation and runoff of contaminated surface water; the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff; the final construction of air and water quality monitoring facilities; THE FINAL CONSTRUCTION OF METHANE GAS EXTRACTION AND TREATMENT SYSTEMS; or the removal and proper disposal of hazardous waste OR SOLID WASTES from a facility when necessary to protect public health or safety or to abate or prevent air or water pollution.

(P) "Premises" means:

- (1) Geographically contiguous property owned by a generator; or
- (2) Noncontiguous property that is owned by a generator and connected by a right-of-way that he controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.

(Q) "Post-closure" means that period of time following closure during which a hazardous waste facility is required to be monitored and maintained under this chapter and rules adopted under it, INCLUDING, WITHOUT LIMITATION, OPERATION AND MAINTENANCE OF METHANE GAS EXTRACTION AND TREATMENT SYSTEMS.

(R) "Infectious solid wastes" includes all of the following substances or categories of substances:

- (1) Cultures and stocks of infectious agents and associated biologicals, including, without limitation, specimen cultures, cultures and stocks of infectious agents, wastes from production of biologicals, and discarded live and attenuated vaccines;
- (2) Laboratory wastes that were, or are likely to have been, in contact with infectious agents that may present a substantial threat to public health if improperly managed;
- (3) Pathological wastes, including, without limitation, human and animal tissues, organs, and body parts, and body fluids and excreta that are contaminated with or are likely to be contaminated with infectious agents, removed or obtained during surgery or autopsy or for diagnostic evaluation;
- (4) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious solid wastes by rules adopted under division (R)(8) of this section.
- (5) Human and animal blood specimens and blood products that are being disposed of, except that "blood products" does not include patient

care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids, unless such wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious solid wastes.

(6) Contaminated carcasses, body parts, and bedding of animals that were intentionally exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals, and carcasses and bedding of animals otherwise infected that may present a substantial threat to public health if improperly managed;

(7) Sharp wastes used in the treatment or inoculation of human beings or animals or that have, or are likely to have, come in contact with infectious agents in medical, research, or industrial laboratories, including, without limitation, hypodermic needles and syringes, scalpel blades, and glass articles that have been broken;

(8) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the public health council created in section 3701.33 of the Revised Code, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious solid wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents.

(S) "Infectious agent" means a type of microorganism, helminth, or virus that causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings or animals.

(T) "BOARD OF COUNTY COMMISSIONERS" INCLUDES, IN ADDITION TO ANY SUCH BOARD SELECTED UNDER CHAPTER 302. OR 305. OF THE REVISED CODE, ANY LEGISLATIVE AUTHORITY THAT A COUNTY ESTABLISHES UNDER SECTION 3 AND 4 OF ARTICLE X, OHIO CONSTITUTION.

(U) "SOLID WASTE TRANSFER FACILITY" MEANS ANY SITE, LOCATION, TRACT OF LAND, INSTALLATION, OR BUILDING THAT IS USED OR INTENDED TO BE USED PRIMARILY FOR THE PURPOSE OF TRANSFERRING SOLID WASTES THAT WERE GENERATED OFF THE PREMISES OF THE FACILITY FROM VEHICLES OR CONTAINERS INTO OTHER VEHICLES FOR TRANSPORTATION TO A SOLID WASTE DISPOSAL FACILITY. THE TERM DOES NOT INCLUDE ANY FACILITY THAT CONSISTS SOLELY OF PORTABLE CONTAINERS THAT HAVE AN AGGREGATE VOLUME OF FIFTY CUBIC YARDS OR LESS NOR ANY FACILITY WHERE LEGITIMATE RECYCLING ACTIVITIES ARE CONDUCTED.

Sec. 3734.02. (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may modify, suspend, or repeal rules having uniform application throughout the state governing solid waste facilities and the inspections and issuance of PERMITS AND licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, AND WILL

UNDERGO CLOSURE AND POST-CLOSURE CARE, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.8-2 or 40 C.F.R. 257.3-8, as amended. THE RULES MAY INCLUDE, WITHOUT LIMITATION, FINANCIAL ASSURANCE REQUIREMENTS FOR CLOSURE AND POST-CLOSURE CARE AND CORRECTIVE ACTION AND REQUIREMENTS FOR TAKING CORRECTIVE ACTION IN THE EVENT OF THE SURFACE OR SUBSURFACE DISCHARGE OR MIGRATION OF EXPLOSIVE GASES OR LEACHATE FROM A SOLID WASTE FACILITY, OR OF GROUND WATER CONTAMINATION RESULTING FROM THE TRANSFER OR DISPOSAL OF SOLID WASTES AT A FACILITY, BEYOND THE BOUNDARIES OF ANY AREA WITHIN A FACILITY THAT IS OPERATING OR IS UNDERGOING CLOSURE OR POST-CLOSURE CARE WHERE SOLID WASTES WERE DISPOSED OF OR ARE BEING DISPOSED OF. The rules shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating solid waste facilities. The director, in accordance with Chapter 119. of the Revised Code, shall adopt and may modify, suspend, or repeal rules governing the issuance, modification, revocation, suspension, or denial of variances from his solid waste rules. However, the director shall not issue any variance from the rules adopted under section 3734.021 of the Revised Code.

Variances shall be issued, modified, revoked, suspended, or repealed in accordance with this division, rules adopted under it, and Chapter 3745. of the Revised Code. The director may order the person to whom a variance is issued to take such action within such time as the director may determine to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the public health or safety or the environment. Applications for variances shall contain such detail plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the director may require. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment. In granting any variance, the director shall state the specific provision or provisions whose terms are to be varied and shall also state specific terms or conditions imposed upon the applicant in place of the provision or provisions. The director may hold a public hearing on an application for a variance or renewal of a variance at a location in the county where the operations that are the subject of the application for the variance are conducted. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail and shall publish at least one notice of the hearing in a newspaper with general circulation in the county where the hearing is to be held. The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances and a current schedule of pending variance hearings. The director shall make a

complete stenographic record of testimony and other evidence submitted at the hearing. Within ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter his determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which THE denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail.

(B) The director shall prescribe and furnish the forms necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

The director may use moneys in the infectious solid wastes management fund created in section 3734.021 of the Revised Code exclusively for administering and enforcing the provisions of this chapter governing the management of infectious solid wastes. Of each registration and renewal fee collected under rules adopted under division (A)(2)(a) of section 3734.021 or under section 3734.022 of the Revised Code, the director shall, within forty-five days of its receipt, remit from the fund one-half of the fee received to the board of health of the health district in which the registered premises is located, or, in the instance of an infectious solid wastes transporter, to the board of health of the health district in which the transporter's principal place of business is located. However, if the board of health having jurisdiction over a registrant's premises or principal place of business is not on the approved list under section 3734.08 of the Revised Code, the director shall not make that payment to the board of health.

(C) **NO EXCEPT AS PROVIDED IN THIS DIVISION, NO person shall establish a NEW solid waste facility OR INFECTIOUS WASTE TREATMENT FACILITY, OR MODIFY AN EXISTING SOLID WASTE FACILITY OR INFECTIOUS WASTE TREATMENT FACILITY, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, EXCEPT THAT NO PERMIT SHALL BE REQUIRED UNDER THIS DIVISION TO INSTALL OR OPERATE A SOLID WASTE FACILITY FOR SEWAGE SLUDGE TREATMENT OR DISPOSAL WHEN THE TREATMENT OR DISPOSAL IS AUTHORIZED BY A CURRENT PERMIT ISSUED UNDER CHAPTER 3704. OR 6111. OF THE REVISED CODE.**

NO PERSON SHALL CONTINUE TO OPERATE A SOLID WASTE FACILITY FOR WHICH THE DIRECTOR HAS DENIED A PERMIT FOR WHICH AN APPLICATION WAS REQUIRED UNDER DIVISION (A)(3) OF SECTION 3734.05 OF THE REVISED CODE OR FOR WHICH THE DIRECTOR HAS DISAPPROVED PLANS AND SPECIFICATIONS REQUIRED TO BE FILED BY AN ORDER ISSUED UNDER DIVISION (A)(5) OF THAT SECTION, AFTER THE DATE PRESCRIBED FOR COMMENCEMENT OF CLOSURE OF THE FACILITY IN THE ORDER ISSUED UNDER DIVISION (A)(6) OF SECTION 3734.05 OF THE REVISED CODE DENYING THE PERMIT APPLICATION OR APPROVAL.

ON AND AFTER THE EFFECTIVE DATE OF THE RULES ADOPTED UNDER DIVISION (A) OF THIS SECTION AND DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE GOVERNING SOLID WASTE TRANSFER FACILITIES, NO PERSON SHALL ESTABLISH A NEW, OR MODIFY AN EXISTING, SOLID WASTE TRANSFER FACILITY WITHOUT FIRST SUBMITTING AN APPLICATION FOR A PERMIT WITH ACCOMPANYING ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION TO THE DIRECTOR AND RECEIVING A PERMIT ISSUED BY THE DIRECTOR.

This division does not apply to an infectious solid wastes WASTE treatment facility that meets any of the following conditions:

- (1) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices established by rules adopted under division (C)(1) or (3) of section 3734.021 of the Revised Code, wastes that are generated at any premises owned or operated by that generator, regardless of whether the wastes are generated on the premises where the generator's treatment facility is located;
- (2) Holds a license issued under section 4717.17 and a permit issued under Chapter 3704. of the Revised Code;
- (3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:
  - (a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584, 21 U.S.C.A. 608, as amended;
  - (b) Chapter 918. of the Revised Code;
  - (c) Chapter 953. of the Revised Code.
- (D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious solid wastes generated by individuals for purposes of their own care or treatment that are disposed of with other solid wastes from the individual's residence; to the temporary storage of solid wastes, other than infectious solid wastes and hazardous waste, prior to their collection for disposal; or to the collection of solid wastes, other than infectious solid wastes and hazardous waste, by a political subdivision or a person holding a franchise or license from a political subdivision of the state.
- (E) As used in this division and section 3734.18 of the Revised Code:

(1) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(2) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(3) "Satellite facility" means any of the following:

(a) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(b) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(c) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

Except under a renewal permit issued under division (G)(H) of section 3734.05 of the Revised Code, or unless the facility will operate or is operating in accordance with division (F)(5) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit from the hazardous waste facility board issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (G)(H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed five years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

<b>TYPE OF BASIC MANAGEMENT UNIT</b>	<b>TYPE OF FACILITY</b>	<b>FEE</b>
Storage facility using:	Containers	\$ 500
	Tanks	
	Waste pile	500

	satellite	3,000
Surface impoundment	On-site and satellite	8,000
	Off-site	10,000
Disposal facility using:		
Deep well injection	On-site and satellite	15,000
	Off-site	25,000
Landfill	On-site and satellite	25,000
	Off-site	40,000
Land application	On-site and satellite	2,500
	Off-site	5,000
Surface impoundment	On-site and satellite	10,000
	Off-site	20,000
Treatment facility using:		
Tanks	On-site, off-site, and satellite	700
Surface impoundment	On-site and satellite	8,000
	Off-site	10,000
Incinerator	On-site and satellite	5,000
	Off-site	10,000
Other forms of treatment	On-site, off-site, and satellite	1,000

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal, or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act OF 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;

(5) A hazardous waste facility that is operating under a permit by rule under rules adopted by the director of environmental protection or that is not subject to permit requirements under rules adopted by the director. The director may adopt, modify, suspend, or repeal rules in accordance with Chapter 119. of the Revised Code for the purposes of this division. Any rules adopted by the director for those purposes shall be consistent with and equivalent to the regulations promulgated by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(G) The director may by order exempt any person generating, storing, treating, disposing of, or transporting solid wastes, other than infectious solid wastes, or hazardous waste, in such quantities or under such circumstances that, in the determination of the director, ~~it is~~ ARE unlikely ~~that~~ TO ADVERSELY AFFECT the public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or license or comply with the manifest system or other requirements of this chapter. Any such exemption shall be consistent with and equivalent to the regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the poles, towers, foundations, or other structures supporting or sustaining any such lines; or of the appurtenances to those structures, necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structure, located on or above the land surface on any such easement or right-of-

way. Within twenty-four hours after commencing any such emergency repair or replacement, or maintenance, work, the public utility shall notify the director or his authorized representative of those activities and shall provide such information regarding those activities as the director or his representative may request. Upon completion of the emergency repair or replacement, or maintenance, activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility shall, in the operation of the facility, cause, permit, or allow the emission therefrom of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that, in the opinion of the director, unreasonably interferes with the comfortable enjoyment of life or property by persons living or working in the vicinity of the facility, or that is injurious to public health. Any such action is hereby declared to be a public nuisance.

(J) Notwithstanding any other provision of this chapter, in the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The director shall adopt, and may modify, suspend, or repeal, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) No owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious solid wastes, other than those subject to division (A)(1)(c) of section 3734.021 of the Revised Code, that have not been treated to render them noninfectious. For the purposes of this division, certification by the owner or operator of the treatment facility where the wastes were treated on the shipping paper required by rules adopted under division (D)(2) of that section creates a rebuttable presumption that the wastes have been so treated.

(L) NOT LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, THE DIRECTOR, IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE, SHALL ADOPT AND MAY AMEND, SUSPEND, OR RESCIND RULES HAVING UNIFORM APPLICATION THROUGHOUT THE STATE ESTABLISHING A TRAINING PROGRAM THAT SHALL BE REQUIRED FOR EMPLOYEES OF BOARDS OF HEALTH WHO ARE RESPONSIBLE FOR ENFORCING THE SOLID WASTE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED UNDER THEM AND FOR PERSONS WHO ARE RESPONSIBLE FOR THE OPERATION OF SOLID WASTE FACILITIES. THE RULES SHALL PROVIDE ALL OF THE FOLLOWING, WITHOUT LIMITATION:

(1) THE PROGRAM SHALL BE ADMINISTERED BY THE DIRECTOR AND SHALL CONSIST OF A COURSE ON NEW SOLID WASTE TECHNOLOGIES, ENFORCEMENT PROCEDURES, AND RULES;

(2) THE COURSE SHALL BE OFFERED ON AN ANNUAL BASIS;

(3) THOSE PERSONS WHO ARE REQUIRED TO TAKE THE COURSE UNDER DIVISION (L) OF THIS SECTION SHALL DO SO TRIENNIALLY;

(4) PERSONS WHO SUCCESSFULLY COMPLETE THE COURSE SHALL BE CERTIFIED BY THE DIRECTOR;

(5) CERTIFICATION SHALL BE REQUIRED FOR ALL EMPLOYEES OF BOARDS OF HEALTH WHO ARE RESPONSIBLE FOR ENFORCING THE SOLID WASTE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED UNDER THEM AND FOR ALL PERSONS WHO ARE RESPONSIBLE FOR THE OPERATION OF SOLID WASTE FACILITIES.

NO PERSON SHALL FAIL TO OBTAIN THE CERTIFICATION REQUIRED UNDER THIS DIVISION.

Sec. 3734.021. In the absence of regulations promulgated under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2896, 42 U.S.C.A. 6921, as amended, identifying or listing or establishing criteria and procedures for identifying infectious solid wastes as hazardous wastes; infectious solid wastes are hereby deemed to constitute a category of solid wastes. Infectious solid wastes shall be segregated, packaged, treated, transported, and disposed of as solid wastes in accordance with rules adopted under division (A) of section 3734.02 of the Revised Code and the additional rules adopted under this section.

The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend and rescind, rules necessary or appropriate to protect human health or safety or the environment:

(A) Establishing standards for generators of infectious solid wastes that include, without limitation, the following requirements and authorizations that:

(1) All generators of infectious solid wastes:

(a) Place all infectious solid wastes identified in division (B)(7) of section 3734.01 of the Revised Code, and all unused, discarded hypodermic needles, syringes, and scalpel blades, in rigid, tightly closed, puncture resistant containers on the premises where they are generated before they are transported off that premises. Containers containing such wastes shall be labeled "sharps" and, if the wastes have not been treated to render them noninfectious, shall be conspicuously labeled with the international biohazard symbol.

(b) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to render them noninfectious by methods, techniques, or practices prescribed by rules adopted under division (C)(1) of this section before they are transported off that

premises for disposal or ensure that such wastes are treated to render them noninfectious at a treatment facility off that premises that is owned or operated by the generator, a treatment facility that holds a license issued under division (A)(B) of section 3734.05 of the Revised Code, or a treatment facility that is authorized by rules adopted under division (C)(6) of this section, prior to disposal of the wastes.

(c) Wastes generated by a generator who produces fewer than fifty pounds of infectious solid wastes during any one month that are subject to and packaged and labeled in accordance with rules adopted under division (AX1)(a) of this section shall be transported and disposed of in the same manner as noninfectious solid wastes. **SUCH GENERATORS WHO TREAT SPECIMEN CULTURES AND CULTURES OF VIABLE INFECTIOUS AGENTS ON THE PREMISES WHERE THEY ARE GENERATED SHALL NOT BE CONSIDERED TREATMENT FACILITIES AS "TREATMENT" AND "FACILITY" ARE DEFINED IN SECTION 3734.01 OF THE REVISED CODE.**

(d) Wastes subject to and treated in accordance with rules adopted under division (AX1)(b) of this section shall be transported and disposed of in the same manner as noninfectious solid wastes.

(e) For the purposes of this section and rules adopted under it, no wastes consisting of dead animals or parts thereof shall be considered when determining the quantity of infectious solid wastes produced by any generator if the dead animals or parts meet all of the following:

(i) Were not intentionally exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;

(ii) Were produced by a veterinarian holding a license issued under Chapter 4741. of the Revised Code;

(iii) Were treated or disposed of by a person holding a license issued under Chapter 953. of the Revised Code.

(2) Each generator of more than fifty pounds OR MORE of infectious solid wastes during any one month:

(a) Register with the environmental protection agency as a generator of infectious solid wastes and obtain a registration certificate. The fee for issuance of a generator registration certificate is three hundred dollars payable at the time of application. The registration certificate applies to all the premises owned or operated by the generator in this state where infectious solid wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the treatment of infectious solid wastes it generates, the certificate shall list the address and method of treatment used at each such facility.

A generator registration certificate is valid for three years from the date of issuance and shall be renewed for a term of three years upon the generator's submission of an application for renewal and payment of a three hundred dollar renewal fee.

The rules may establish a system of staggered renewal dates with approximately one-third of such certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year.

The registration and renewal fees shall be credited to the infectious solid wastes management fund, hereby created in the state treasury.

(b) Segregate infectious solid wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious solid wastes from designating and managing wastes, in addition to those defined as infectious solid wastes under section 3734.01 of the Revised Code, as infectious solid wastes when, in the judgment of the generator, those other wastes should be managed as infectious solid wastes because they are, or are likely to be, contaminated with infectious agents. After designating any such other wastes as infectious, the generator shall manage those wastes in compliance with the requirements of this chapter and rules adopted under it applicable to the management of infectious solid wastes.

(c) For purposes of containment, place infectious solid wastes, other than those subject to rules adopted under division (A)(1)(a) of this section, in plastic bags that are impervious to moisture and are sufficiently strong to preclude ripping, tearing, or bursting under normal conditions of handling and ensure that the filled bags are securely tied to prevent leakage or expulsion of the wastes from them during storage, handling, or transport. The generator shall ensure that, prior to transportation off the premises where generated, infectious solid wastes that have not been treated to render them noninfectious, other than those subject to division (A)(1)(a) of this section, are contained in bags that either are red in color or conspicuously labeled with the international biohazard symbol.

(d) Either treat the infectious solid wastes that it generates at a facility owned or operated by the generator by methods, techniques, or practices prescribed by rules adopted under division (C)(1) of this section to render them noninfectious, or designate the wastes for treatment off that premises at an infectious solid wastes WASTE treatment facility holding a license issued under division (A)(B) of section 3734.06 of the Revised Code or to a treatment facility authorized by rules adopted under division (C)(6) of this section, prior to disposal of the wastes. After being treated to render them noninfectious, the wastes shall be disposed of at a solid waste disposal facility holding a license issued under division (A) of section 3734.06 of the Revised Code.

(e) Not grind any infectious solid wastes identified in division (R)(7) of section 3734.01 of the Revised Code, not compact any such wastes until after the wastes have been treated in accordance with rules adopted under divisions (C)(1) and (3) of this section, and not compact or grind any other type of infectious solid wastes until after the wastes have been treated in accordance with rules adopted under division (C)(1) of this section;

(f) May discharge untreated liquid or semiliquid infectious solid wastes consisting of blood, blood products, body fluids, and excreta into a disposal system, as defined in section 6111.01 of the Revised Code, unless the discharge of those wastes into a disposal system is inconsistent with the terms and conditions of the permit for the system issued under Chapter 6111. of the Revised Code;

(g) Employ only transporters who are registered under section 3734.022 of the Revised Code to transport off the premises where they

were generated infectious solid wastes that have not been treated to render them noninfectious;

(h) Cause all infectious solid wastes that have not been treated to render them noninfectious, and those subject to rules adopted under division (A)(1)(a) of this section that have not also been treated in accordance with rules adopted under division (C)(3) of this section, to be transported in shipments consisting only of untreated infectious solid wastes;

(i) May transport or cause to be transported infectious solid wastes that have been treated to render them noninfectious, and those wastes subject to rules adopted under division (A)(1)(a) of this section that have also been treated in accordance with rules adopted under division (C)(3) of this section, in the same manner as noninfectious solid wastes are transported;

(j) Provide information on the composition of its infectious solid wastes, the treatment of the wastes to render them noninfectious, and the generator's system for distinguishing between waste packages that contain treated and untreated wastes to persons with whom the generator has entered into a contract or agreement to transport, treat, or dispose of the wastes upon receiving a written request from those persons;

(k) Ensure that all infectious solid wastes, whether treated or untreated, that are transported off the premises where they are generated are accompanied by a shipping paper that meets the requirements of rules adopted under division (D)(1) or (2) of this section, as appropriate.

(B) Establishing standards for transporters of infectious solid wastes that include, without limitation, the following requirements that the transporters:

(1) Transport only properly packaged and labeled wastes;

(2) Transport wastes that have not been treated to render them noninfectious only in a leak resistant, fully covered vehicle compartment;

(3) Not compact infectious solid wastes that have not been treated to render them noninfectious and not compact any infectious solid wastes subject to rules adopted under division (A)(1)(a) of this section that have not also been treated in accordance with rules adopted under division (C)(3) of this section;

(4) Transport infectious solid wastes that have not been treated to render them noninfectious and infectious solid wastes subject to rules adopted under division (A)(1)(a) of this section, that have not also been treated in accordance with rules adopted under division (C)(3) of this section, in shipments consisting only of untreated infectious solid wastes;

(5) Transport infectious solid wastes that have been treated to render them noninfectious, and, in the case of wastes subject to rules adopted under division (A)(1)(a) of this section, have also been treated in accordance with rules adopted under division (C)(3) of this section, in the same manner as noninfectious solid wastes;

(6) Promptly disinfect surfaces of transport vehicles that have had untreated infectious solid wastes leaked or spilled onto them, in accordance with methods prescribed by the director by rule;

(7) Transport infectious solid wastes that have not been treated to render them noninfectious only to an infectious solid waste treatment facility holding an operating license issued under division (A) of section 3734.05 of the Revised Code, to a treatment facility authorized by rules adopted under division (C)(6) of this section, or to a treatment facility owned or operated by the generator of the wastes. If the generator designates a treatment facility on the shipping paper accompanying the waste WASTES, the transporter shall deliver the waste WASTES to that treatment facility.

(8) Comply with the shipping paper system established by rules adopted under division (D) of this section.

(C) Establishing standards for owners and operators of infectious solid wastes WASTE treatment facilities that include, without limitation, the following requirements and authorizations that:

(1) Treatment of all wastes received be performed in accordance with methods, techniques, and practices approved by the director;

(2) Govern the design, construction, and operation of infectious solid wastes WASTE treatment facilities;

(3) Establish methods, techniques, and practices for treatment of wastes subject to rules adopted under division (A)(1)(a) of this section that may be used to substantially reduce or eliminate the potential of those wastes to cause lacerations or puncture wounds during handling, transportation, and disposal;

(4) Establish quality control and testing procedures to ensure compliance with the rules adopted under divisions (C)(2) and (3) of this section;

(5) Owners and operators of such facilities comply with the shipping paper system established by rules adopted under division (D) of this section;

(6) Infectious solid wastes may be treated at a facility that holds a license issued under section 4717.17, and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and the ITS terms and conditions of that permit. The rules adopted under divisions (C)(2) and (4) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (C)(1) to (4) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious solid wastes management.

(D) Establishing a system of shipping papers to accompany shipments of infectious solid wastes that are transported off the premises where they are generated, including the following requirements:

(1) Shipping papers that accompany shipments of wastes that have not been treated to render them noninfectious shall include the following elements:

(a) The name of the generator and address of the premises where the wastes were generated;

(b) A brief, general description of the nature of the wastes being shipped;

(c) A method by which the person causing the transportation of a shipment of waste may designate the treatment or disposal facility, as appropriate, to which the transporter shall deliver the wastes;

(d) The requirement that when a shipment of wastes is transported off the premises where generated to a treatment facility owned or operated by the generator, the shipment need not be accompanied by a shipping paper and that, after treatment, the generator shall prepare a shipping paper that meets the requirements of rules adopted under division (D)(2) of this section to accompany the further shipment of the treated wastes to a solid waste disposal facility. When a shipment of untreated wastes is transported to a treatment facility not owned or operated by the generator of the waste, the owner or operator of the treatment facility shall prepare a separate shipping paper that meets the requirements of rules adopted under division (D)(2) of this section to accompany the shipment of the treated wastes from his premises to a solid waste disposal facility.

(e) A certification by the person causing the wastes to be transported that the wastes are packaged and labeled in accordance with the rules adopted under this section and that the description of the wastes is accurate.

(2) Shipping papers that accompany shipments of wastes that have been treated to render them noninfectious shall include only the following elements:

(a) The name of the generator and address of the premises where the wastes were generated;

(b) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(c) A certification by the owner or operator of the treatment facility where the wastes were treated that the wastes have been treated by methods, techniques, and practices prescribed by rules adopted under division (C)(1) of this section. If the treated wastes are to be compacted prior to transportation and contain any wastes subject to rules adopted under division (A)(1)(a) of this section, the shipping paper shall include an additional certification by the owner or operator of the treatment facility where the wastes were treated that they also have been treated in accordance with rules adopted under division (C)(3) of this section.

(E) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of his household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584, 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(F) As used in this section, "generator" means a person who produces infectious solid wastes.

(G) RULES ADOPTED UNDER THIS SECTION SHALL NOT CONCERN OR RELATE TO PERSONNEL POLICIES, SALARIES, WAGES, FRINGE BENEFITS, OR OTHER CONDITIONS OF EMPLOYMENT OF EMPLOYEES OF PERSONS OWNING OR OPERATING INFECTIOUS WASTE TREATMENT FACILITIES.

(H) THE DIRECTOR SHALL NOT ISSUE ANY VARIANCE FROM THE RULES ADOPTED UNDER THIS SECTION.

Sec. 3734.022. (A) No person shall transport infectious solid wastes that have not been treated to render them noninfectious, other than those disposed of with residential solid waste from a single-family residential premises or single-family dwelling unit and those subject to division (A)(1)(c) of section 3734.021 of the Revised Code, unless the business entity that employs the person first registers with and obtains a registration certificate from the director of environmental protection or, in the instance of infectious solid wastes consisting of dead animals or parts thereof subject to Chapter 953. of the Revised Code, unless the business entity that employs the person holds a valid license issued under that chapter. No more than one registration certificate shall be required of any single business entity. An applicant shall file an application with the director containing such information in such form as the director prescribes. Each application for a registration certificate shall be accompanied by a registration fee equal to the product of three hundred dollars times the number of motor vehicles the transporter uses to transport untreated infectious wastes in shipments that originate or terminate in the state. However, a generator of infectious solid wastes holding a valid registration certificate as a generator of those wastes issued under rules adopted under division (A)(2)(a) of section 3734.021 of the Revised Code who transports only infectious solid wastes generated at premises owned or operated by the generator is exempt from payment of the fee for registration as a transporter.

A registered transporter shall obtain an amended registration certificate from the director whenever the composition of the fleet of motor vehicles used by the transporter to transport infectious solid wastes changes. If the number of motor vehicles in the fleet decreases, the director shall not refund to the transporter any portion of a registration or renewal fee applicable to a motor vehicle transferred or otherwise removed from use for transporting such wastes. If the number of motor vehicles in the transporter's fleet increases, the application for the amended registration certificate shall be accompanied by a fee of three hundred dollars for each motor vehicle that is in excess of the number of motor vehicles set forth in the existing certificate. If the director has established a system of staggered renewal dates for the registration certificates, the fee applicable to each additional motor vehicle under an amended certificate shall be prorated according to the time remaining in the registration cycle, to the nearest year.

A registration certificate issued under this section is valid for three years from the date of issuance and may be renewed for a term of three years by submission of a renewal application on a form prescribed by the director and payment of a renewal fee calculated in the same manner as the fee for a registration certificate. The registration and renewal fees shall be credited to the infectious solid wastes management fund created in section 3734.021 of the Revised Code.

The director, by rules adopted in accordance with Chapter 119. of the Revised Code, may establish a system of staggered renewal dates with approximately one-third of the certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year.

(B) A registered transporter is liable for the safe delivery of any infectious solid wastes from the time he obtains the wastes until he delivers them to an infectious solid wastes WASTE treatment facility holding a license issued under division (A) (B) of section 3734.05 of the Revised Code, to a treatment facility authorized by rules adopted under division (C)(6) of section 3734.021 of the Revised Code, to a treatment facility owned or operated by the generator of the waste, or, in the instance of wastes that have been treated to render them noninfectious, to a solid waste disposal facility holding a license issued under division (A) of section 3734.05 of the Revised Code. If the generator of the wastes has designated in the shipping paper accompanying the wastes required by rules adopted under division (D)(1) of section 3734.021 of the Revised Code a particular treatment facility, the registered transporter is liable for the safe delivery of the wastes to the facility so designated.

If the director has reason to believe that a person who is registered under this section or is employed by a business entity registered under this section has violated this chapter or any rule adopted under it while transporting infectious solid wastes, the director may issue an order in accordance with Chapter 119. of the Revised Code suspending, revoking, or denying the transporter's registration certificate or the registration certificate of the business entity employing him as a transporter. A transporter whose registration certificate has been suspended, revoked, or denied shall immediately notify each of his customers by certified mail of that fact.

(C)(1) No person who generates infectious solid wastes that have not been treated to render them noninfectious shall cause any such wastes, other than those subject to division (A)(1)(c) of section 3734.021 or Chapter 953. of the Revised Code, to be transported by any person who is not registered as a transporter under this section.

(2) No person who generates infectious solid wastes subject to Chapter 953. of the Revised Code shall cause those wastes to be transported by any person who is neither licensed under that chapter nor registered as a transporter under this section.

(D) A generator of infectious solid wastes who has complied with this section and section 3734.021 of the Revised Code and with rules adopted under those sections is not liable under statute or common law for the

actions or inactions of any transporter or treatment facility with respect to those wastes and is not liable for violations of any provision of this chapter or rules adopted under it governing the transportation, treatment, or disposal of infectious solid wastes.

(E) As used in this section, "motor vehicle" means any automobile, automobile truck, tractor, or self-propelled vehicle not operated or driven on fixed rails or track.

Sec. 3734.04. The board of health of each district MAINTAINING A PROGRAM ON THE APPROVED LIST UNDER DIVISION (A) OR (B) OF SECTION 3734.08 OF THE REVISED CODE shall provide for the inspection, licensing, and enforcement of sanitary standards for solid waste facilities in conformity with ~~Chapter 3734 of the Revised Code~~ THIS CHAPTER. The director of environmental protection shall provide for the inspection of hazardous waste facilities and of generators and transporters of hazardous waste, issuance of permits, and enforcement of ~~Chapter 3734 of the Revised Code~~ THIS CHAPTER and of rules adopted thereunder governing storage, treatment, transportation, and disposal of hazardous waste.

Sec. 3734.05. (A) No (1) EXCEPT AS PROVIDED IN DIVISION (A)(4) OF THIS SECTION, NO person shall operate or maintain a solid waste facility without a license issued by the board of health of the health district in which the facility is located OR BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION WHEN THE HEALTH DISTRICT IN WHICH THE FACILITY IS LOCATED IS NOT ON THE APPROVED LIST UNDER SECTION 3734.08 OF THE REVISED CODE.

During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing solid waste facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located OR, IF THE HEALTH DISTRICT IS NOT ON THE APPROVED LIST UNDER SECTION 3734.08 OF THE REVISED CODE, FROM THE DIRECTOR. THE APPLICATION FOR SUCH A LICENSE SHALL BE SUBMITTED TO THE BOARD OF HEALTH OR TO THE DIRECTOR, AS APPROPRIATE, ON OR BEFORE THE LAST DAY OF SEPTEMBER OF THE YEAR PRECEDING THAT FOR WHICH THE LICENSE IS SOUGHT. IN ADDITION TO THE APPLICATION FEE PRESCRIBED IN DIVISION (A)(2) OF THIS SECTION, A PERSON WHO SUBMITS AN APPLICATION AFTER THAT DATE SHALL PAY AN ADDITIONAL TEN PER CENT OF THE AMOUNT OF THE APPLICATION FEE FOR EACH WEEK THAT THE APPLICATION IS LATE. LATE PAYMENT FEES ACCOMPANYING AN APPLICATION SUBMITTED TO THE BOARD OF HEALTH SHALL BE CREDITED TO THE SPECIAL FUND OF THE HEALTH DISTRICT CREATED IN DIVISION (B) OF SECTION 3734.06 OF THE REVISED CODE AND LATE PAYMENT FEES ACCOMPANYING AN APPLICATION SUBMITTED TO THE DIRECTOR SHALL BE CREDITED TO THE GENERAL REVENUE

FUND. A person who has received a license, upon sale or disposition of a solid waste facility, may have, upon consent of the board of health and the director of environmental protection, HAVE the license transferred to another person. THE BOARD OF HEALTH OR THE DIRECTOR MAY INCLUDE SUCH TERMS AND CONDITIONS IN A LICENSE OR REVISION TO A LICENSE AS ARE APPROPRIATE TO ENSURE COMPLIANCE WITH THIS CHAPTER AND RULES ADOPTED UNDER IT. THE TERMS AND CONDITIONS MAY ESTABLISH THE AUTHORIZED MAXIMUM DAILY WASTE RECEIPTS FOR THE FACILITY. LIMITATIONS ON MAXIMUM DAILY WASTE RECEIPTS MAY BE SPECIFIED IN EITHER TONS OR IN CUBIC YARDS OF VOLUME BASED UPON A CONVERSION FACTOR OF THREE CUBIC YARDS PER TON FOR COMPACTED WASTES GENERALLY AND ONE CUBIC YARD PER TON FOR BALED WASTES. TERMS AND CONDITIONS INCLUDED IN A LICENSE OR REVISION TO A LICENSE BY A BOARD OF HEALTH SHALL BE CONSISTENT WITH, AND PERTAIN ONLY TO THE SUBJECTS ADDRESSED IN, THE RULES ADOPTED UNDER DIVISION (A) OF SECTION 3734.02 AND DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE.

Each (2)(a) EXCEPT AS PROVIDED IN DIVISION (A)(2) (b) OF THIS SECTION, EACH person proposing to open a new solid waste facility OR TO MODIFY AN EXISTING SOLID WASTE FACILITY shall submit an application for a permit with accompanying detail plans and specifications to the environmental protection agency for required approval under the rules adopted by the director of environmental protection pursuant to DIVISION (A) OF section 3734.02 of the Revised Code AND APPLICABLE RULES ADOPTED UNDER DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE at least ninety TWO HUNDRED SEVENTY days before proposed operation of the facility and SHALL concurrently make application for a license with the board of health of the health district in which the proposed facility is to be located.

(b) ON AND AFTER THE EFFECTIVE DATE OF THE RULES ADOPTED UNDER DIVISION (A) OF SECTION 3734.02 OF THE REVISED CODE AND DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE GOVERNING SOLID WASTE TRANSFER FACILITIES, EACH PERSON PROPOSING TO OPEN A NEW SOLID WASTE TRANSFER FACILITY OR TO MODIFY AN EXISTING SOLID WASTE TRANSFER FACILITY SHALL SUBMIT AN APPLICATION FOR A PERMIT WITH ACCOMPANYING ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION TO THE ENVIRONMENTAL PROTECTION AGENCY FOR REQUIRED APPROVAL UNDER THOSE RULES AT LEAST TWO HUNDRED SEVENTY DAYS BEFORE COMMENCING PROPOSED OPERATION OF THE FACILITY AND SHALL CONCURRENTLY MAKE APPLICATION FOR A LICENSE WITH THE BOARD OF HEALTH OF THE HEALTH DISTRICT IN WHICH THE FACILITY IS LOCATED OR PROPOSED.

(c) EACH APPLICATION FOR A PERMIT UNDER DIVISION (A)(2) (a) OR (b) OF THIS SECTION SHALL BE ACCOMPANIED BY A NONREFUNDABLE APPLICATION FEE OF FOUR HUNDRED DOLLARS THAT SHALL BE CREDITED TO THE GENERAL REVENUE FUND. EACH APPLICATION FOR AN ANNUAL LICENSE UNDER DIVISION (A)(1) OR (2) OF THIS SECTION SHALL BE ACCOMPANIED BY A NONREFUNDABLE APPLICATION FEE OF ONE HUNDRED DOLLARS. IF THE APPLICATION FOR AN ANNUAL LICENSE IS SUBMITTED TO A BOARD OF HEALTH ON THE APPROVED LIST UNDER SECTION 3734.08 OF THE REVISED CODE, THE APPLICATION FEE SHALL BE CREDITED TO THE SPECIAL FUND OF THE HEALTH DISTRICT CREATED IN DIVISION (B) OF SECTION 3734.06 OF THE REVISED CODE. IF THE APPLICATION FOR AN ANNUAL LICENSE IS SUBMITTED TO THE DIRECTOR, THE APPLICATION FEE SHALL BE CREDITED TO THE GENERAL REVENUE FUND. IF A PERMIT OR LICENSE IS ISSUED, THE AMOUNT OF THE APPLICATION FEE PAID SHALL BE DEDUCTED FROM THE AMOUNT OF THE PERMIT FEE DUE UNDER DIVISION (F) OF SECTION 3745.11 OF THE REVISED CODE OR THE AMOUNT OF THE LICENSE FEE DUE UNDER DIVISION (A)(1), (2), (3), OR (4) OF SECTION 3734.06 OF THE REVISED CODE.

(3) UNLESS THE OWNER OR OPERATOR OF ANY SOLID WASTE OR DISPOSAL FACILITY, OTHER THAN A SOLID WASTE TRANSFER FACILITY, THAT COMMENCED OPERATION ON OR BEFORE JULY 1, 1968, HAS OBTAINED AN EXEMPTION FROM THE REQUIREMENTS OF DIVISION (A)(3) OF THIS SECTION IN ACCORDANCE WITH DIVISION (G) OF SECTION 3734.02 OF THE REVISED CODE, HE SHALL SUBMIT TO THE DIRECTOR AN APPLICATION FOR A PERMIT WITH ACCOMPANYING ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION FOR APPROVAL UNDER RULES ADOPTED UNDER DIVISION (A) OF SECTION 3734.02 OF THE REVISED CODE AND APPLICABLE RULES ADOPTED UNDER DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(a) NOT LATER THAN THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN THE CITY OF GARFIELD HEIGHTS OR PARMA IN CUYAHOGA COUNTY;

(b) NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN DELAWARE, GREENE, GUERNSEY, HAMILTON, MADISON, MAHONING, OTTAWA, OR VINTON COUNTY;

(c) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN CHAMPAIGN, CLINTON, COLUMBIANA, HURON, PAULDING, STARK, OR WASHINGTON COUNTY, OR IS LOCAT-

ED IN THE CITY OF BROOKLYN OR CUYAHOGA HEIGHTS, IN CUYAHOGA COUNTY;

(d) NOT LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN ADAMS, AUGLAIZE, COSHOCTON, DARKE, HARRISON, LORAIN, LUCAS, OR SUMMIT COUNTY OR IS LOCATED IN CUYAHOGA COUNTY OUTSIDE THE CITIES OF GARFIELD HEIGHTS, PARMA, BROOKLYN, AND CUYAHOGA HEIGHTS;

(e) NOT LATER THAN FIFTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN BUTLER, CARROLL, ERIE, LAKE, PORTAGE, PUTNAM, OR ROSS COUNTY;

(f) NOT LATER THAN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN A COUNTY NOT LISTED IN DIVISIONS (A)(3)(a) TO (d) OF THIS SECTION;

(g) NOTWITHSTANDING DIVISIONS (A)(3) (a) TO (f) OF THIS SECTION, NOT LATER THAN DECEMBER 31, 1990, IF THE FACILITY IS 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 AND IF THE FACILITY DISPOSES OF MORE THAN ONE HUNDRED THOUSAND TONS OF SOLID WASTES PER YEAR, PROVIDED THAT ANY SUCH FACILITY SHALL BE SUBJECT TO DIVISION (A)(5) OF THIS SECTION.

(4) UNLESS THE OWNER OR OPERATOR OF ANY SOLID WASTE FACILITY FOR WHICH A PERMIT WAS ISSUED AFTER JULY 1, 1968, BUT BEFORE JANUARY 1, 1990, HAS OBTAINED AN EXEMPTION FROM THE REQUIREMENTS OF DIVISION (A)(4) OF THIS SECTION UNDER DIVISION (G) OF SECTION 3734.02 OF THE REVISED CODE, HE SHALL SUBMIT TO THE DIRECTOR AN APPLICATION FOR A PERMIT WITH ACCOMPANYING ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION FOR APPROVAL UNDER THOSE RULES.

(5) THE DIRECTOR MAY ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE TO THE OWNER OR OPERATOR OF A SOLID WASTE FACILITY REQUIRING THE PERSON TO SUBMIT TO THE DIRECTOR UPDATED ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION FOR APPROVAL UNDER RULES ADOPTED UNDER DIVISION (A) OF SECTION 3734.02 OF THE REVISED CODE AND APPLICABLE RULES ADOPTED UNDER DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE IF, IN THE DIRECTOR'S

JUDGMENT, CONDITIONS AT THE FACILITY CONSTITUTE A SUBSTANTIAL THREAT TO PUBLIC HEALTH OR SAFETY OR ARE CAUSING OR CONTRIBUTING TO OR THREATENING TO CAUSE OR CONTRIBUTE TO AIR OR WATER POLLUTION OR SOIL CONTAMINATION. ANY PERSON WHO RECEIVES SUCH AN ORDER SHALL SUBMIT THE UPDATED ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION TO THE DIRECTOR WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THE ORDER.

(6) THE DIRECTOR SHALL ACT UPON AN APPLICATION SUBMITTED UNDER DIVISION (A)(3) OR (4) OF THIS SECTION AND ANY UPDATED ENGINEERING PLANS, SPECIFICATIONS, AND INFORMATION SUBMITTED UNDER DIVISION (A)(5) OF THIS SECTION WITHIN ONE HUNDRED EIGHTY DAYS AFTER RECEIVING THEM. IF THE DIRECTOR DENIES ANY SUCH PERMIT APPLICATION HE SHALL INCLUDE IN THE ORDER DENYING THE APPLICATION OR DISAPPROVING THE PLANS THE REQUIREMENTS THAT THE OWNER OR OPERATOR SUBMIT A PLAN FOR CLOSURE AND POST-CLOSURE CARE OF THE FACILITY TO THE DIRECTOR FOR APPROVAL WITHIN SIX MONTHS AFTER ISSUANCE OF THE ORDER, CEASE ACCEPTING SOLID WASTES FOR DISPOSAL OR TRANSFER AT THE FACILITY, AND COMMENCE CLOSURE OF THE FACILITY NOT LATER THAN ONE YEAR AFTER ISSUANCE OF THE ORDER. IF THE DIRECTOR DETERMINES THAT CLOSURE OF THE FACILITY WITHIN THAT ONE-YEAR PERIOD WOULD RESULT IN THE UNAVAILABILITY OF SUFFICIENT SOLID WASTE MANAGEMENT FACILITY CAPACITY WITHIN THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT IN WHICH THE FACILITY IS LOCATED TO DISPOSE OF OR TRANSFER THE SOLID WASTE GENERATED WITHIN THE DISTRICT, HE MAY IN HIS ORDER OF DENIAL OR DISAPPROVAL POSTPONE COMMENCEMENT OF CLOSURE OF THE FACILITY FOR SUCH PERIOD OF TIME AS HE FINDS NECESSARY FOR THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICT TO SECURE ACCESS TO OR FOR THERE TO BE CONSTRUCTED WITHIN THE DISTRICT SUFFICIENT SOLID WASTE MANAGEMENT FACILITY CAPACITY TO MEET THE NEEDS OF THE DISTRICT, PROVIDED THAT THE DIRECTOR SHALL CERTIFY IN HIS ORDER THAT POSTPONING THE DATE FOR COMMENCEMENT OF CLOSURE WILL NOT ENDANGER GROUND WATER OR ANY PROPERTY SURROUNDING THE FACILITY, ALLOW METHANE GAS MIGRATION TO OCCUR, OR CAUSE OR CONTRIBUTE TO ANY OTHER TYPE OF ENVIRONMENTAL DAMAGE.

IF AN EMERGENCY NEED FOR DISPOSAL CAPACITY THAT MAY AFFECT PUBLIC HEALTH AND SAFETY EXISTS AS A RESULT OF CLOSURE OF A FACILITY UNDER DIVISION (A)(6) OF THIS SECTION, THE DIRECTOR MAY ISSUE AN ORDER DES-

IGNATING ANOTHER SOLID WASTE FACILITY TO ACCEPT THE WASTES THAT WOULD HAVE BEEN DISPOSED OF AT THE FACILITY TO BE CLOSED.

(7) IF THE DIRECTOR DETERMINES THAT STANDARDS MORE STRINGENT THAN THOSE APPLICABLE IN RULES ADOPTED UNDER DIVISION (A) OF SECTION 3734.02 OF THE REVISED CODE AND DIVISION (D) OF SECTION 3734.12 OF THE REVISED CODE, OR STANDARDS PERTAINING TO SUBJECTS NOT SPECIFICALLY ADDRESSED BY THOSE RULES, ARE NECESSARY TO ENSURE THAT A SOLID WASTE FACILITY CONSTRUCTED AT THE PROPOSED LOCATION WILL NOT CAUSE A NUISANCE, CAUSE OR CONTRIBUTE TO WATER POLLUTION, OR ENDANGER PUBLIC HEALTH OR SAFETY, HE MAY ISSUE A PERMIT FOR THE FACILITY WITH SUCH TERMS AND CONDITIONS AS HE FINDS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT. IF THE DIRECTOR ISSUES A PERMIT, HE SHALL STATE IN THE ORDER ISSUING IT THE SPECIFIC FINDINGS SUPPORTING EACH SUCH TERM OR CONDITION.

(B)(1) Each person who is engaged in the business of treating infectious solid wastes for profit at a treatment facility located off the premises where the wastes are generated that is in operation on the effective date of this amendment AUGUST 10, 1988 and who proposes to continue operating the facility shall submit to the board of health of the health district in which the facility is located an application for a license to operate the facility.

THEREAFTER, NO PERSON SHALL OPERATE OR MAINTAIN AN INFECTIOUS WASTE TREATMENT FACILITY WITHOUT A LICENSE ISSUED BY THE BOARD OF HEALTH OF THE HEALTH DISTRICT IN WHICH THE FACILITY IS LOCATED OR BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION WHEN THE HEALTH DISTRICT IN WHICH THE FACILITY IS LOCATED IS NOT ON THE APPROVED LIST UNDER SECTION 3734.08 OF THE REVISED CODE.

(2)(a) DURING THE MONTH OF DECEMBER, BUT BEFORE THE FIRST DAY OF JANUARY OF THE NEXT YEAR, EVERY PERSON PROPOSING TO CONTINUE TO OPERATE AN EXISTING INFECTIOUS TREATMENT FACILITY SHALL PROCURE A LICENSE TO OPERATE THE FACILITY FOR THAT YEAR FROM THE BOARD OF HEALTH OF THE HEALTH DISTRICT IN WHICH THE FACILITY IS LOCATED OR, IF THE HEALTH DISTRICT IS NOT ON THE APPROVED LIST UNDER SECTION 3734.08 OF THE REVISED CODE, FROM THE DIRECTOR. THE APPLICATION FOR SUCH A LICENSE SHALL BE SUBMITTED TO THE BOARD OF HEALTH OR TO THE DIRECTOR, AS APPROPRIATE, ON OR BEFORE THE LAST DAY OF SEPTEMBER OF THE YEAR PRECEDING THAT FOR WHICH THE LICENSE IS SOUGHT. IN ADDITION TO THE APPLICATION FEE PRESCRIBED IN DIVISION (B)(2)(b) OF THIS SECTION, A PERSON WHO SUBMITS AN AP-

PLICATION AFTER THAT DATE SHALL PAY AN ADDITIONAL TEN PER CENT OF THE AMOUNT OF THE APPLICATION FEE FOR EACH WEEK THAT THE APPLICATION IS LATE. LATE PAYMENT FEES ACCOMPANYING AN APPLICATION SUBMITTED TO THE BOARD OF HEALTH SHALL BE CREDITED TO THE SPECIAL INFECTIOUS WASTE FUND OF THE HEALTH DISTRICT CREATED IN DIVISION (C) OF SECTION 3734.06 OF THE REVISED CODE AND LATE PAYMENT FEES ACCOMPANYING AN APPLICATION SUBMITTED TO THE DIRECTOR SHALL BE CREDITED TO THE GENERAL REVENUE FUND. A PERSON WHO HAS RECEIVED A LICENSE, UPON SALE OR DISPOSITION OF AN INFECTIOUS WASTE TREATMENT FACILITY, MAY, UPON CONSENT OF THE BOARD OF HEALTH AND THE DIRECTOR, HAVE THE LICENSE TRANSFERRED TO ANOTHER PERSON. THE BOARD OF HEALTH OR THE DIRECTOR MAY INCLUDE SUCH TERMS AND CONDITIONS IN A LICENSE OR REVISION TO A LICENSE AS ARE APPROPRIATE TO ENSURE COMPLIANCE WITH THE INFECTIOUS WASTE PROVISIONS OF THIS CHAPTER AND RULES ADOPTED UNDER THEM.

(b) EACH PERSON PROPOSING TO OPEN A NEW INFECTIOUS WASTE TREATMENT FACILITY OR TO MODIFY AN EXISTING INFECTIOUS WASTE TREATMENT FACILITY SHALL SUBMIT AN APPLICATION FOR A PERMIT WITH ACCOMPANYING DETAIL PLANS AND SPECIFICATIONS TO THE ENVIRONMENTAL PROTECTION AGENCY FOR REQUIRED APPROVAL UNDER THE RULES ADOPTED BY THE DIRECTOR PURSUANT TO SECTION 3734.021 OF THE REVISED CODE TWO HUNDRED SEVENTY DAYS BEFORE PROPOSED OPERATION OF THE FACILITY AND SHALL CONCURRENTLY MAKE APPLICATION FOR A LICENSE WITH THE BOARD OF HEALTH OF THE HEALTH DISTRICT IN WHICH THE PROPOSED FACILITY IS TO BE LOCATED.

(c) EACH APPLICATION FOR A PERMIT UNDER DIVISION (B)(2) (b) OF THIS SECTION SHALL BE ACCOMPANIED BY A NONREFUNDABLE APPLICATION FEE OF FOUR HUNDRED DOLLARS THAT SHALL BE CREDITED TO THE GENERAL REVENUE FUND. EACH APPLICATION FOR AN ANNUAL LICENSE UNDER DIVISION (B)(2)(a) OF THIS SECTION SHALL BE ACCOMPANIED BY A NONREFUNDABLE APPLICATION FEE OF ONE HUNDRED DOLLARS. IF THE APPLICATION FOR AN ANNUAL LICENSE IS SUBMITTED TO A BOARD OF HEALTH ON THE APPROVED LIST UNDER SECTION 3734.08 OF THE REVISED CODE, THE APPLICATION FEE SHALL BE CREDITED TO THE SPECIAL INFECTIOUS WASTE FUND OF THE HEALTH DISTRICT CREATED IN DIVISION (C) OF SECTION 3734.06 OF THE REVISED CODE. IF THE APPLICATION FOR AN ANNUAL LICENSE IS SUBMITTED TO THE DIRECTOR, THE APPLICATION FEE SHALL BE CREDITED TO THE GENERAL REVENUE FUND. IF A PERMIT OR LICENSE IS ISSUED, THE AMOUNT OF

THE APPLICATION FEE PAID SHALL BE DEDUCTED FROM THE AMOUNT OF THE PERMIT FEE DUE UNDER DIVISION (F) OF SECTION 3745.11 OF THE REVISED CODE OR THE AMOUNT OF THE LICENSE FEE DUE UNDER DIVISION (C) OF SECTION 3734.06 OF THE REVISED CODE.

(d) UNLESS THE OWNER OR OPERATOR OF ANY INFECTIOUS WASTE TREATMENT FACILITY THAT COMMENCED OPERATION ON OR BEFORE JULY 1, 1968, HAS OBTAINED AN EXEMPTION FROM THE REQUIREMENTS OF DIVISION (B)(2)(d) OF THIS SECTION IN ACCORDANCE WITH DIVISION (G) OF SECTION 3734.021 OF THE REVISED CODE, HE SHALL SUBMIT TO THE DIRECTOR AN APPLICATION FOR A PERMIT WITH ACCOMPANYING ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION FOR APPROVAL UNDER RULES ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(i) NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN DELAWARE, GREENE, GUERNSEY, HAMILTON, MADISON, MAHONING, OTTAWA, OR VINTON COUNTY;

(ii) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN CHAMPAIGN, CLINTON, COLUMBIANA, HURON, PAULDING, STARK, OR WASHINGTON COUNTY, OR IS LOCATED IN THE CITY OF BROOKLYN, CUYAHOGA HEIGHTS, OR PARMA IN CUYAHOGA COUNTY;

(iii) NOT LATER THAN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN ADAMS, AUGLAIZE, COSHOCTON, DARKE, HARRISON, LORAIN, LUCAS, OR SUMMIT COUNTY OR IS LOCATED IN CUYAHOGA COUNTY OUTSIDE THE CITIES OF BROOKLYN, CUYAHOGA HEIGHTS, AND PARMA;

(iv) NOT LATER THAN FIFTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN BUTLER, CARROLL, ERIE, LAKE, PORTAGE, PUTNAM, OR ROSS COUNTY;

(v) NOT LATER THAN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT, IF THE FACILITY IS LOCATED IN A COUNTY NOT LISTED IN DIVISION (B)(2)(d)(i) TO (iv) OF THIS SECTION.

THE OWNER OR OPERATOR OF AN INFECTIOUS WASTE TREATMENT FACILITY REQUIRED TO SUBMIT A PERMIT APPLICATION UNDER DIVISION (B)(2)(d) OF THIS SECTION IS NOT REQUIRED TO PAY ANY PERMIT APPLICATION FEE UNDER DIVISION (B)(2)(b) OF THIS SECTION, OR PERMIT FEE UNDER DIVISION (F) OF SECTION 3745.11 OF THE REVISED CODE, WITH RESPECT THERETO, UNLESS THE OWNER OR OPERATOR ALSO PROPOSES TO MODIFY THE FACILITY.

(e) THE DIRECTOR MAY ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE TO THE OWNER OR OPERATOR OF AN INFECTIOUS WASTE TREATMENT FACILITY REQUIRING THE PERSON TO SUBMIT TO THE DIRECTOR UPDATED ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION REGARDING THE FACILITY AND ITS METHOD OF OPERATION FOR APPROVAL UNDER RULES ADOPTED UNDER SECTION 3734.021 OF THE REVISED CODE IF, IN THE DIRECTOR'S JUDGMENT, CONDITIONS AT THE FACILITY CONSTITUTE A SUBSTANTIAL THREAT TO PUBLIC HEALTH OR SAFETY OR ARE CAUSING OR CONTRIBUTING TO OR THREATENING TO CAUSE OR CONTAMINATION. ANY PERSON WHO RECEIVES SUCH AN ORDER SHALL SUBMIT THE UPDATED ENGINEERING DETAIL PLANS, SPECIFICATIONS, AND INFORMATION TO THE DIRECTOR WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THE ORDER.

(f) THE DIRECTOR SHALL ACT UPON AN APPLICATION SUBMITTED UNDER DIVISION (B)(2) (d) OF THIS SECTION AND ANY UPDATED ENGINEERING PLANS, SPECIFICATIONS, AND INFORMATION SUBMITTED UNDER DIVISION (B)(2)(e) OF THIS SECTION WITHIN ONE HUNDRED EIGHTY DAYS AFTER RECEIVING THEM. IF THE DIRECTOR DENIES ANY SUCH PERMIT APPLICATION OR DISAPPROVES ANY SUCH UPDATED ENGINEERING PLANS, SPECIFICATIONS, AND INFORMATION, HE SHALL INCLUDE IN THE ORDER DENYING THE APPLICATION OR DISAPPROVING THE PLANS THE REQUIREMENT THAT THE OWNER OR OPERATOR CEASE ACCEPTING INFECTIOUS WASTES FOR TREATMENT AT THE FACILITY.

(3) ~~This division does~~ DIVISION (B) OF THIS SECTION DOES not apply to an infectious solid wastes WASTE treatment facility that meets any of the following conditions:

(1)(a) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices established by rules adopted under division (C)(1) or (3) of section 3734.021 of the Revised Code, wastes that are generated at any premises owned or operated by that generator, regardless of whether the wastes are generated on the same premises where the generator's treatment facility is located;

(2)(b) Holds a license issued under section 4717.17 and a permit issued under Chapter 3704. of the Revised Code;

(3)(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a)(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584, 21 U.S.C.A. 603, as amended;

(b)(ii) Chapter 918. of the Revised Code;

(c)(iii) Chapter 953. of the Revised Code.

Nothing in ~~this~~ DIVISION (B) OF THIS SECTION requires a facility that holds a license issued under ~~it~~ DIVISION (A) OF THIS SECTION as

a solid waste facility and that also treats infectious solid wastes by the same method, technique, or process to obtain a license under ~~it~~ **DIVISION (B) OF THIS SECTION** as an infectious solid wastes **WASTE** treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious solid wastes.

~~(B)(C)~~ Except as provided in division ~~(G)(H)~~ of this section, or unless the facility will operate or is operating in accordance with division ~~(F)(5)~~ of section 3734.02 of the Revised Code, a person who proposes to establish or operate a hazardous waste facility shall submit an application for a hazardous waste facility installation and operation permit and accompanying detail plans, specifications, and such information as the director may require to the environmental protection agency, except as provided in division ~~(D)(E)(2)~~ of this section, at least one hundred eighty days before the proposed beginning of operation of the facility. The applicant shall notify by certified mail the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be located of the submission of the application within ten days after the submission or at such earlier time as the director may establish by rule. If the application is for a proposed new or modified hazardous waste disposal or thermal treatment facility, the applicant also shall give actual notice of the general design and purpose of the facility to the legislative authority of each municipal corporation, township, and county in which the facility is proposed to be or is located at least ninety days before the permit application is submitted to the environmental protection agency.

~~(G)(D)(1)~~ There is hereby created the hazardous waste facility board, composed of the director of environmental protection who shall serve as chairperson, the director of natural resources, and the chairman of the Ohio water development authority, or their respective designees, and one chemical engineer and one geologist who shall each be employed by a state university as defined in section 3345.011 of the Revised Code. The chemical engineer and geologist shall each be appointed by the governor, with the advice and consent of the senate, for a term of two years. The chemical engineer and geologist shall each receive as compensation five thousand dollars per year, plus expenses necessarily incurred in the performance of their duties.

The board shall not issue any final order without the consent of at least three members.

(2) The hazardous waste facility board shall do both of the following:

(a) Pursuant to Chapter 119. of the Revised Code, adopt rules governing procedure to be followed in hearings before the board;

(b) Approve or disapprove applications for a hazardous waste facility installation and operation permit.

(3) Upon receipt of the completed application for a hazardous waste facility installation and operation permit and a preliminary determination by the staff of the environmental protection agency that the application appears to comply with agency rules and to meet the performance standards set forth in divisions (D), (I), and (J) of section 3734.12 of the Revised Code, the director of environmental protection shall transmit the ap-

plication to the hazardous waste facility board, which shall do all of the following:

(a) Promptly fix a date for a public hearing on the application, not fewer than sixty or more than ninety days after receipt of the completed application. At the public hearing, any person may submit written or oral comments or objections to the approval or disapproval of the application. A representative of the applicant who has knowledge of the location, construction, operation, closure, and post-closure care, if applicable, of the facility shall attend the public hearing in order to respond to comments or questions concerning the facility directed to him by the presiding officer.

(b) Give public notice of the date of the public hearing and a summary of the application in a newspaper having general circulation in the county in which the facility is proposed to be located. The notice shall contain, at a minimum, the date, time, and location of the public hearing, and shall include the location and street address of, or the nearest intersection to, the proposed facility, a description of the proposed facility, and the location where copies of the application, a short statement by the applicant of the anticipated environmental impact of the facility, and a map of the facility are available for inspection.

(c) Promptly fix a date for an adjudication hearing, not less than ninety or more than one hundred twenty days after receipt of the completed application, at which hearing the board shall hear and decide all disputed issues between the parties respecting the approval or disapproval of the application.

(4) The parties to any adjudication hearing before the board upon a completed application shall be the following:

(a) The applicant;

(b) The staff of the environmental protection agency;

(c) The board of county commissioners of the county, the board of township trustees of the township, and the chief executive officer of the municipal corporation in which the facility is proposed to be located;

(d) Any other person who would be aggrieved or adversely affected by the proposed facility and who files a petition to intervene in the adjudication hearing not later than thirty days after the date of publication of the notice required in division (G)(D)(3)(b) of this section, if the petition is granted by the board for good cause shown. The board may allow intervention by other aggrieved or adversely affected persons up to fifteen days prior to the date of the adjudication hearing for good cause shown when the intervention would not be unduly burdensome to or cause a delay in the permitting process.

(5) The hazardous waste facility board shall conduct any adjudication hearing upon disputed issues in accordance with Chapter 119. of the Revised Code and the rules of the board governing the procedure of such hearings. Each party may call and examine witnesses and submit other evidence respecting the disputed issues presented by an application. A written record shall be made of the hearing and of all testimony and evidence submitted to the board.

(6) The board shall not approve an application for a hazardous waste facility installation and operation permit unless it finds and determines as follows:

(a) The nature and volume of the waste to be treated, stored, or disposed of at the facility;

(b) That the facility complies with the director's hazardous waste standards adopted pursuant to section 3734.12 of the Revised Code;

(c) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of various alternatives, and other pertinent considerations;

(d) That the facility represents the minimum risk of all of the following:

(i) Contamination of ground and surface waters;

(ii) Fires or explosions from treatment, storage, or disposal methods;

(iii) Accident during transportation of hazardous waste to or from the facility;

(iv) Impact on the public health and safety;

(v) Air pollution;

(vi) Soil contamination.

(e) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which he may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations promulgated under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of Chapters 3704., 3734., and 6111. of the Revised Code, the applicable rules and standards adopted under those chapters, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility;

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred and fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one hundred-year flood or that procedures will be in effect to remove the waste before flood waters can reach it.

Division ~~(G)~~(D)(6)(g) of this section does not apply to the facility of any applicant who demonstrates to the board that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division ~~(G)~~(D)(6)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

In rendering a decision upon an application for a hazardous waste facility installation and operation permit, the board shall issue a written order and opinion, which shall include the specific findings of fact and conclusions of law which support the board's approval or disapproval of the application.

If the board approves an application for a hazardous waste facility installation and operation permit, as a part of its written order, it shall issue the permit, upon such terms and conditions as the board finds are necessary to ensure the construction and operation of the hazardous waste facility in accordance with the standards of this section.

(7) Any party adversely affected by an order of the hazardous waste facility board may appeal the order and decision of the board to the court of appeals of Franklin county. An appellant shall file with the board a notice of appeal, which shall designate the order appealed from. A copy of the notice also shall be filed by the appellant with the court, and a copy shall be sent by certified mail to each party to the adjudication hearing before the board. Such notices shall be filed and mailed within thirty days after the date upon which the appellant received notice from the board by certified mail of the making of the order appealed from. No appeal bond shall be required to make an appeal effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the board. If it appears to the court that an unjust hardship to the appellant will result from the execution of the board's order pending determination of the appeal, the court may grant a suspension of the order and fix its terms.

Within twenty days after receipt of the notice of appeal, the board shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including any transcript of the testimony and any other evidence that has been submitted before the board. The expense of preparing and transcribing the record shall be taxed as a part of the costs of the appeal. The appellant, other than the state or a political subdivision, an agency of either, or any officer of the appellant acting in his representative capacity, shall provide security for costs satisfactory to the court considering the respective interests of the parties and the public interest. Upon demand by a party, the board shall furnish, at the cost of the party requesting it, a copy of the record. If the complete record is not filed within

the time provided for in this section, any party may apply to the court to have the case docketed, and the court shall order the record filed.

In hearing the appeal, the court is confined to the record as certified to it by the board. The court may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the board.

The court shall affirm the order complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such findings, it shall reverse, vacate, or modify the order or make such other ruling as is supported by reliable, probative, and substantial evidence and is in accordance with law. The judgment of the court shall be final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken by any party to the appeal pursuant to the Rules of Practice of the Supreme Court and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

~~(D)(E)~~(1) Upon receipt of a completed application, the board shall issue a hazardous waste facility installation and operation permit for a hazardous waste facility subject to the requirements of divisions ~~(C)~~(D)(6) and (7) of this section and all applicable federal regulations if the facility for which the permit is requested satisfies all of the following:

- (a) Was in operation immediately prior to October 9, 1980;
- (b) Was in substantial compliance with applicable statutes and rules in effect immediately prior to October 9, 1980, as determined by the director;
- (c) Demonstrates to the board that its operations after October 9, 1980, comply with applicable performance standards adopted by the director pursuant to division (D) of section 3734.12 of the Revised Code;
- (d) Submits a completed application for a permit under division ~~(B)~~(C) of this section within six months after October 9, 1980.

The board shall act on the application within twelve months after October 9, 1980.

(2) A hazardous waste facility that was in operation immediately prior to October 9, 1980, may continue to operate after that date if it does all of the following:

- (a) Complies with performance standards adopted by the director pursuant to division (D) of section 3734.12 of the Revised Code;
- (b) Submits a completed application for a hazardous waste installation and operation permit under division ~~(B)~~(C) of this section within six months after October 9, 1980;
- (c) Obtains the permit under division ~~(C)~~(D) of this section within twelve months after October 9, 1980.

(3) No political subdivision of this state shall require any additional zoning or other approval, consent, permit, certificate, or other condition for the construction or operation of a hazardous waste facility authorized by a hazardous waste facility installation and operation permit issued pursuant to this chapter, nor shall any political subdivision adopt or en-

force any law, ordinance, or regulation that in any way alters, impairs, or limits the authority granted in the permit.

(4) After the issuance of a hazardous waste facility installation and operation permit by the board, each hazardous waste facility shall be subject to the rules and supervision of the director of environmental protection during the period of its operation, closure, and post-closure care, if applicable.

~~(E)(F)~~ Upon approval of the board in accordance with divisions ~~(G)(D)~~ and ~~(D)(E)~~ of this section, the board may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment.

~~(F)(G)~~ No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director or to the hazardous waste facility board by this chapter or the rules adopted under it.

~~(G)(H)(1)~~ Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft renewal permit or notice of intent to deny the renewal permit, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of the public comment period, the director, without prior hearing, shall issue or deny the renewal permit in accordance with Chapter 3745. of the Revised Code. The director shall not issue a renewal permit unless he determines that the facility under the existing permit has a history of compliance with this chapter, rules adopted under it, the existing permit, or orders entered to

enforce such requirements that demonstrates sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit. If the director approves an application for a renewal permit, he shall issue the permit subject to the payment of the annual permit fee required under division (E) of section 3734.02 of the Revised Code and upon such terms and conditions as he finds are reasonable to ensure that continued operation, maintenance, closure, and post-closure care of the hazardous waste facility are in accordance with the rules adopted under section 3734.12 of the Revised Code.

(3) An installation and operation permit renewal application submitted to the director that also contains or would constitute a revision application shall be acted upon by the director in accordance with division ~~(H)~~(I) of this section in the same manner as a revision application. In approving or disapproving the renewal portion of a permit renewal application containing a revision application, the director shall apply the criteria established under division ~~(G)~~(H)(2) of this section.

(4) An installation and operation permit renewal application submitted to the director that also contains or would constitute a modification application shall be acted upon by the hazardous waste facility board in accordance with division (H) of this section in the same manner as a modification application.

(5) An application for renewal or revision of a permit that does not contain an application for a modification shall not be subject to division ~~(G)~~(D) of this section.

~~(H)~~(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that impacts on the siting criteria contained in division ~~(G)~~(D)(6) of this section. "Revision" means any change or alteration to a hazardous waste facility or its operations that is not a modification.

(2) A hazardous waste facility installation and operation permit may be modified or revised at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) A written request for a modification or revision from the permittee shall be submitted to the director and shall contain such information as is necessary to support the request. Any request for a modification shall be

subject to the procedures established in division ~~(G)~~(D) of this section for permit applications.

(4)(a) The hazardous waste facility board shall approve or disapprove an application for a modification, or that portion of a permit renewal application that constitutes a modification application, of a hazardous waste facility installation and operation permit in accordance with division ~~(G)~~(D) of this section. In approving or disapproving the renewal portion of a permit renewal application containing a modification application as provided in division ~~(G)~~(H)(4) of this section, the board shall apply the criteria established under division ~~(G)~~(H)(2) of this section. No aspect of the permitted facility or its operations that is not being modified shall be subject to review by the board under division ~~(G)~~(D) of this section.

(b) The director shall consider a revision application and shall issue a draft revised permit or a notice of intent to deny the revision. The director, in accordance with rules adopted under this section or with rules adopted to implement Chapter 3745. of the Revised Code, shall give public notice of the application and draft revised permit or notice of intent to deny the revision, provide for the opportunity for public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting. Within sixty days after the public meeting or the close of the public comment period, the director, without prior hearing, shall issue a revised permit or deny the revision application in accordance with Chapter 3745. of the Revised Code.

(c) If the director determines that all or part of an application for revision constitutes an application for modification or if the director determines that all or part of an application for modification constitutes an application for revision, he shall so inform the applicant and treat the application accordingly.

~~(I)~~(J) The director shall adopt, and may modify, suspend, or repeal RESCIND, rules in accordance with Chapter 119. of the Revised Code in order to implement divisions ~~(G)~~(H) and ~~(H)~~(I) of this section.

Sec. 3734.06. (A) ~~The~~ (1) EXCEPT AS PROVIDED IN DIVISIONS (A)(2), (3), AND (4) OF THIS SECTION, THE annual fee for a solid waste facility operator's license shall be as follows:

(1) If the facility is open for more than twenty hours per week to receive solid wastes for disposal, the fee shall be not less than four hundred nor more than one thousand three hundred dollars, as determined by the board of health of the health district in which the facility is located.

(2) If the facility is open for twenty hours or less per week to receive solid wastes for disposal, the fee shall be an amount equal to two hundred dollars plus twenty-five per cent of the amount of the fee established by the board of health under division ~~(1)~~(1) of this section that exceeds four hundred dollars.

(3) IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

AUTHORIZED MAXIMUM	ANNUAL
DAILY WASTE	LICENSE
RECEIPT (TONS)	FEE

100 OR LESS	\$ 5,000
101 TO 200	12,500
201 TO 500	80,000
501 OR MORE	60,000

FOR THE PURPOSE OF DETERMINING THE APPLICABLE LICENSE FEE UNDER DIVISIONS (A)(1) AND (2) OF THIS SECTION, THE AUTHORIZED MAXIMUM DAILY WASTE RECEIPT SHALL BE THE MAXIMUM AMOUNT OF WASTES THE FACILITY IS AUTHORIZED TO RECEIVE DAILY THAT IS ESTABLISHED IN THE PERMIT FOR THE FACILITY, AND ANY MODIFICATIONS TO THAT PERMIT, ISSUED UNDER DIVISION (A)(2) OR (3) OF SECTION 3734.05 OF THE REVISED CODE; THE ANNUAL LICENSE FOR THE FACILITY, AND ANY REVISIONS TO THAT LICENSE, ISSUED UNDER DIVISION (A)(1) OF SECTION 3734.05 OF THE REVISED CODE; THE APPROVED OPERATING PLAN OR OPERATIONAL REPORT FOR WHICH SUBMISSION AND APPROVAL ARE REQUIRED BY RULES ADOPTED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION UNDER SECTION 3734.02 OF THE REVISED CODE; AN ORDER ISSUED BY THE DIRECTOR AS AUTHORIZED BY RULE; OR THE UPDATED ENGINEERING PLANS, SPECIFICATIONS, AND FACILITY AND OPERATION INFORMATION APPROVED UNDER DIVISION (A)(4) OF SECTION 3734.05 OF THE REVISED CODE. IF NO AUTHORIZED MAXIMUM DAILY WASTE RECEIPT IS SO ESTABLISHED, THE ANNUAL LICENSE FEE IS SIXTY THOUSAND DOLLARS UNDER DIVISION (A)(1) OF THIS SECTION AND THIRTY THOUSAND DOLLARS UNDER DIVISION (A)(2) OF THIS SECTION.

(2) THE ANNUAL LICENSE FEE FOR A FACILITY THAT IS AN INCINERATOR OR COMPOSTING FACILITY IS ONE-HALF THE AMOUNT SHOWN IN DIVISION (A)(1) OF THIS SECTION. WHEN A MUNICIPAL CORPORATION, COUNTY, OR TOWNSHIP OWNS AND OPERATES MORE THAN ONE INCINERATOR WITHIN ITS BOUNDARIES, THE MUNICIPAL CORPORATION, COUNTY, OR TOWNSHIP SHALL PAY ONE FEE FOR THE LICENSES FOR ALL OF ITS INCINERATORS. THE FEE SHALL BE DETERMINED ON THE BASIS OF THE AGGREGATE MAXIMUM DAILY WASTE RECEIPT FOR ALL THE INCINERATORS OWNED AND OPERATED BY THE MUNICIPAL CORPORATION, COUNTY, OR TOWNSHIP IN AN AMOUNT THAT IS ONE-HALF THE AMOUNT SHOWN IN DIVISION (A)(1) OF THIS SECTION.

(3) THE ANNUAL LICENSE FEE FOR A SOLID WASTE FACILITY, REGARDLESS OF ITS AUTHORIZED MAXIMUM DAILY WASTE RECEIPTS, IS FIVE THOUSAND DOLLARS FOR A FACILITY MEETING EITHER OF THE FOLLOWING QUALIFICATIONS:

(a) THE FACILITY IS 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;

(b) THE FACILITY EXCLUSIVELY DISPOSES OF WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH GARBAGE AT ONE OR MORE PREMISES OWNED BY THE GENERATOR.

(4) THE ANNUAL LICENSE FEE FOR A FACILITY THAT IS A TRANSFER FACILITY IS SEVEN HUNDRED FIFTY DOLLARS.

(5) The same fees shall apply to private operators and to the state and its political subdivisions and shall be paid at the time application is made for WITHIN THIRTY DAYS AFTER ISSUANCE OF a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the solid waste program under this chapter. EACH SUCH LICENSE SHALL SPECIFY THAT IT IS CONDITIONED UPON PAYMENT OF THE APPLICABLE FEE TO THE BOARD OF HEALTH OR THE DIRECTOR, AS APPROPRIATE, WITHIN THIRTY DAYS AFTER ISSUANCE OF THE LICENSE.

(B) The board of health shall transmit four hundred dollars RETAIN TWO THOUSAND FIVE HUNDRED DOLLARS of each such license fee collected BY THE BOARD under division DIVISIONS (A)(1), (2), AND (3) of this section and two hundred dollars of each such license fee collected under division (A)(2) of this section. THE MONEYS RETAINED SHALL BE PAID INTO A SPECIAL FUND, WHICH IS HEREBY CREATED IN EACH HEALTH DISTRICT, AND USED SOLELY TO ADMINISTER AND ENFORCE THIS CHAPTER AND THE RULES ADOPTED UNDER IT. THE REMAINDER OF EACH LICENSE FEE COLLECTED BY THE BOARD SHALL BE TRANSMITTED to the director of environmental protection within forty-five days after receipt of such THE fee. The director shall transmit these moneys to the treasurer of state to be credited to the solid waste facility GENERAL REVENUE fund, which is hereby created in the state treasury. The director shall administer the fund THE BOARD OF HEALTH SHALL RETAIN THE ENTIRE AMOUNT OF EACH FEE COLLECTED UNDER DIVISION (A)(4) OF THIS SECTION, WHICH MONEYS SHALL BE PAID INTO THE SPECIAL FUND OF THE HEALTH DISTRICT. Moneys paid into the fund shall be used solely to administer and enforce this chapter and the rules adopted thereunder.

(C) Any license fees collected under division (A)(1) of this section in excess of four hundred dollars and any license fees collected under division (A)(2) of this section in excess of two hundred dollars shall be retained by the board and paid into a special fund, which is hereby created in each health district, to be used by the board only to administer and enforce this chapter and the rules adopted thereunder.

(CX1) EXCEPT AS PROVIDED IN DIVISIONS (CX2) AND (3) OF THIS SECTION, THE ANNUAL FEE FOR AN INFECTIOUS WASTE TREATMENT FACILITY LICENSE SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

AVERAGE

ANNUAL

DAILY WASTE RECEIPT (TONS)	LICENSE FEE
100 OR LESS	\$5,000
101 TO 200	12,500
201 TO 500	30,000
501 OR MORE	60,000

FOR THE PURPOSE OF DETERMINING THE APPLICABLE LICENSE FEE UNDER DIVISION (C)(1) AND (2) OF THIS SECTION, THE AVERAGE DAILY WASTE RECEIPT SHALL BE THE AVERAGE AMOUNT OF INFECTIOUS WASTES THE FACILITY IS AUTHORIZED TO RECEIVE DAILY THAT IS ESTABLISHED IN THE PERMIT FOR THE FACILITY, AND ANY MODIFICATIONS TO THAT PERMIT, ISSUED UNDER DIVISION (B)(2)(b) OR (d) OF SECTION 3734.05 OF THE REVISED CODE; OR THE ANNUAL LICENSE FOR THE FACILITY, AND ANY REVISIONS TO THAT LICENSE, ISSUED UNDER DIVISION (B)(2)(a) OF SECTION 3734.05 OF THE REVISED CODE. IF NO AVERAGE DAILY WASTE RECEIPT IS SO ESTABLISHED, THE ANNUAL LICENSE FEE IS SIXTY THOUSAND DOLLARS UNDER DIVISION (C)(1) OF THIS SECTION AND THIRTY THOUSAND DOLLARS UNDER DIVISION (C)(2) OF THIS SECTION.

(2) THE ANNUAL LICENSE FEE FOR AN INFECTIOUS WASTE TREATMENT FACILITY THAT IS AN INCINERATOR IS ONE-HALF THE AMOUNT SHOWN IN DIVISION (C)(1) OF THIS SECTION.

(3) FEES LEVIED UNDER DIVISIONS (C)(1) AND (2) OF THIS SECTION SHALL APPLY TO PRIVATE OPERATORS AND TO THE STATE AND ITS POLITICAL SUBDIVISIONS AND SHALL BE PAID WITHIN THIRTY DAYS AFTER ISSUANCE OF A LICENSE. THE FEE INCLUDES THE COST OF LICENSING, ALL INSPECTIONS, AND OTHER COSTS ASSOCIATED WITH THE ADMINISTRATION OF THE INFECTIOUS WASTE PROGRAM UNDER THIS CHAPTER. EACH SUCH LICENSE SHALL SPECIFY THAT IT IS CONDITIONED UPON PAYMENT OF THE APPLICABLE FEE TO THE BOARD OF HEALTH OR THE DIRECTOR, AS APPROPRIATE, WITHIN THIRTY DAYS AFTER ISSUANCE OF THE LICENSE.

(4) THE BOARD OF HEALTH SHALL RETAIN TWO THOUSAND FIVE HUNDRED DOLLARS OF EACH LICENSE FEE COLLECTED BY THE BOARD UNDER DIVISION (C)(1) AND (2) OF THIS SECTION. THE MONEYS RETAINED SHALL BE PAID INTO A SPECIAL INFECTIOUS WASTE FUND, WHICH IS HEREBY CREATED IN EACH HEALTH DISTRICT, AND USED SOLELY TO ADMINISTER AND ENFORCE THE INFECTIOUS WASTE PROVISIONS OF THIS CHAPTER AND THE RULES ADOPTED UNDER THEM. THE REMAINDER OF EACH LICENSE FEE COLLECTED BY THE BOARD SHALL BE TRANSMITTED TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION WITHIN

**FORTY-FIVE DAYS AFTER RECEIPT OF THE FEE. THE DIRECTOR SHALL TRANSMIT THESE MONEYS TO THE TREASURER OF STATE TO BE CREDITED TO THE GENERAL REVENUE FUND.**

Sec. 3734.07. (A) Before a license is initially issued and annually thereafter, or more often if necessary, the board of health shall cause each solid waste facility AND INFECTIOUS WASTE TREATMENT FACILITY to be inspected and a record to be made of each inspection and shall require each solid waste facility AND INFECTIOUS WASTE TREATMENT FACILITY in the health district to ~~comply satisfactorily~~ **BE IN SUBSTANTIAL COMPLIANCE with this chapter AND THE RULES ADOPTED UNDER IT.**

(B) Within thirty days after the issuance of a license, the board of health shall certify to the director of environmental protection that the solid waste facility OR INFECTIOUS WASTE TREATMENT FACILITY has been inspected and is in ~~satisfactory~~ **SUBSTANTIAL compliance with this chapter AND THE RULES ADOPTED UNDER IT.** Each board of health shall provide the director with such other information as he may require from time to time.

(C) The board of health or its authorized representative and the director or his authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any private or public property, real or personal, to inspect or investigate, obtain samples, and examine or copy any records to determine compliance with this chapter. The board of health or its authorized representative or the director or his authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health may ~~suspend or revoke a solid waste facility's operating license, or the director may suspend or revoke a solid waste facility's or a hazardous waste facility's license or permit issued under this chapter~~ **THE OPERATING LICENSE OF THE SOLID WASTE FACILITY OR INFECTIOUS WASTE TREATMENT FACILITY THAT REFUSED ENTRY, OR THE DIRECTOR MAY SUSPEND OR REVOKE THE LICENSE OR PERMIT OF THE SOLID WASTE FACILITY, HAZARDOUS WASTE FACILITY, OR INFECTIOUS WASTE TREATMENT FACILITY THAT REFUSED ENTRY.**

(D) **IF THE ENTRY AUTHORIZED BY DIVISION (C) OF THIS SECTION IS REFUSED OR IF THE INSPECTION OR INVESTIGATION SO AUTHORIZED IS REFUSED, HINDERED, OR THWARTED BY INTIMIDATION OR OTHERWISE AND THE DIRECTOR, BOARD OF HEALTH, OR AUTHORIZED REPRESENTATIVE OF EITHER APPLIES FOR AND OBTAINS A SEARCH WARRANT UNDER DIVISION (C) OF THIS SECTION TO CONDUCT THE INSPECTION OR INVESTIGATION, THE OWNER OR OPERATOR OF THE PREMISES WHERE ENTRY WAS REFUSED OR IN-**

SPECTION OR INVESTIGATION WAS REFUSED, HINDERED, OR THWARTED IS LIABLE TO THE DIRECTOR OR BOARD OF HEALTH FOR THE REASONABLE COSTS INCURRED BY EITHER FOR THE REGULAR SALARIES AND FRINGE BENEFIT COSTS OF PERSONNEL ASSIGNED TO CONDUCT THE INSPECTION OR INVESTIGATION FROM THE TIME THE ENTRY, INSPECTION, OR INVESTIGATION WAS REFUSED, HINDERED, OR THWARTED UNTIL THE SEARCH WARRANT IS EXECUTED; FOR THE SALARY, FRINGE BENEFITS, AND TRAVEL EXPENSES OF THE ATTORNEY GENERAL, PROSECUTING ATTORNEY OF THE COUNTY, OR CITY DIRECTOR OF LAW, OR AN AUTHORIZED ASSISTANT, INCURRED IN OBTAINING THE SEARCH WARRANT; AND FOR EXPENSES NECESSARILY INCURRED FOR THE ASSISTANCE OF LOCAL LAW ENFORCEMENT OFFICERS IN EXECUTING THE SEARCH WARRANT. IN THE APPLICATION FOR THE SEARCH WARRANT, THE DIRECTOR OR BOARD OF HEALTH MAY REQUEST AND THE COURT, IN ITS ORDER GRANTING THE SEARCH WARRANT, MAY ORDER THE OWNER OR OPERATOR OF THE PREMISES TO REIMBURSE THE DIRECTOR OR BOARD OF HEALTH FOR SUCH OF THOSE COSTS AS THE COURT FINDS REASONABLE. FROM MONEYS RECOVERED UNDER THIS DIVISION, THE DIRECTOR SHALL REIMBURSE THE ATTORNEY GENERAL FOR THE COSTS INCURRED BY HIM OR HIS AUTHORIZED ASSISTANT IN CONNECTION WITH PROCEEDINGS FOR OBTAINING THE SEARCH WARRANT; SHALL REIMBURSE THE POLITICAL SUBDIVISION IN WHICH THE PREMISES IS LOCATED FOR THE ASSISTANCE OF ITS LAW ENFORCEMENT OFFICERS IN EXECUTING THE SEARCH WARRANT; AND SHALL DEPOSIT THE REMAINDER OF ANY SUCH MONEYS TO THE CREDIT OF THE HAZARDOUS WASTE FACILITY MANAGEMENT FUND CREATED IN SECTION 3734.18 OF THE REVISED CODE IF THE INSPECTION OR INVESTIGATION PERTAINED TO COMPLIANCE WITH THE HAZARDOUS WASTE PROVISIONS OF THIS CHAPTER OR A RULE, ORDER, OR TERM OR CONDITION OF A PERMIT ADOPTED OR ISSUED UNDER THEM OR WITH A RULE ADOPTED UNDER SECTION 3734.121 OF THE REVISED CODE, OR TO THE CREDIT OF THE SOLID WASTE FACILITY FUND CREATED IN SECTION 3734.06 OF THE REVISED CODE IF THE INSPECTION OR INVESTIGATION PERTAINED TO COMPLIANCE WITH THE SOLID WASTE PROVISIONS OF THIS CHAPTER OR RULES, ORDERS, OR TERMS AND CONDITIONS OF A PERMIT, LICENSE, OR VARIANCE ADOPTED OR ISSUED UNDER THEM, OR TO THE CREDIT OF THE INFECTIOUS WASTE MANAGEMENT FUND CREATED IN SECTION 3734.021 OF THE REVISED CODE IF THE INSPECTION OR INVESTIGATION PERTAINED TO COMPLIANCE WITH THE INFECTIOUS WASTE PROVISIONS OF THIS CHAPTER OR RULES, ORDERS, OR TERMS AND CONDITIONS OF A PERMIT

OR LICENSE ISSUED UNDER THEM. FROM MONEYS RECOVERED UNDER THIS DIVISION, THE BOARD OF HEALTH SHALL REIMBURSE THE PROSECUTING ATTORNEY OF THE COUNTY OR CITY DIRECTOR OF LAW FOR THE COSTS INCURRED BY HIM OR AN AUTHORIZED ASSISTANT IN CONNECTION WITH PROCEEDINGS FOR OBTAINING THE SEARCH WARRANT; SHALL REIMBURSE THE POLITICAL SUBDIVISION IN WHICH THE PREMISES IS LOCATED FOR THE ASSISTANCE OF ITS LAW ENFORCEMENT OFFICERS IN EXECUTING THE SEARCH WARRANT; AND SHALL DEPOSIT THE REMAINDER OF ANY SUCH MONEYS TO THE SPECIAL INFECTIOUS WASTE FUND OF THE HEALTH DISTRICT CREATED UNDER DIVISION (C) OF SECTION 3734.06 OF THE REVISED CODE IF THE INSPECTION OR INVESTIGATION PERTAINED TO COMPLIANCE WITH THE INFECTIOUS WASTE PROVISIONS OF THIS CHAPTER OR RULES, ORDERS, OR TERMS AND CONDITIONS OF A PERMIT OR LICENSE ISSUED UNDER THEM, OR TO THE CREDIT OF THE SPECIAL FUND OF THE HEALTH DISTRICT CREATED UNDER DIVISION (B) OF SECTION 3734.06 OF THE REVISED CODE IF THE INSPECTION OR INVESTIGATION PERTAINED TO COMPLIANCE WITH THE SOLID WASTE PROVISIONS OF THIS CHAPTER OR RULES, ORDERS, OR TERMS AND CONDITIONS OF A PERMIT, LICENSE, OR VARIANCE ADOPTED OR ISSUED UNDER THEM.

Sec. 3734.08. (A) The director of environmental protection shall survey annually each health district licensing solid waste facilities AND INFECTIOUS WASTE TREATMENT FACILITIES as provided by section 3734.05 of the Revised Code to determine whether there is substantial compliance with ~~Chapter 3734. of the Revised Code~~ THIS CHAPTER and, upon determining that there is substantial compliance, shall place the health district upon an approved list. The director shall make a resurvey when in his opinion such is necessary and shall remove from the approved list any health district not substantially complying with ~~Chapter 3734. of the Revised Code~~ THIS CHAPTER.

(B) If, after a survey or resurvey is made as provided by this section, the director determines that a health district is not eligible to be placed on the approved list or to continue on the list, he shall certify that fact to the board of health of the health district, and the director shall administer and enforce ~~Chapter 3734. of the Revised Code~~ THIS CHAPTER in the health district until such time as the health district is placed on the approved list. Whenever the director is so required to administer and enforce ~~Chapter 3734. of the Revised Code~~ THIS CHAPTER in any health district, he is hereby vested with all the authority and all the duties granted to or imposed upon a board of health by ~~Chapter 3734. of the Revised Code~~ THIS CHAPTER in the health district. All SOLID WASTE FACILITY LICENSING fees required to be paid to a board of health by section 3734.06 of the Revised Code and all SUCH previous fees paid to the board that have not been expended or encumbered shall be paid to the director

and by him deposited in the state treasury to the credit of a special fund to be used by him for the purpose of administering and enforcing the solid waste provisions of Chapter 3734 of the Revised Code THE GENERAL REVENUE FUND.

ALL INFECTIOUS WASTE TREATMENT FACILITY LICENSING FEES REQUIRED TO BE PAID TO THE BOARD OF HEALTH UNDER SECTION 3734.06 OF THE REVISED CODE AND ALL SUCH PREVIOUS FEES PAID TO THE BOARD THAT HAVE NOT BEEN EXPENDED OR ENCUMBERED SHALL BE PAID TO THE DIRECTOR AND BY HIM DEPOSITED IN THE STATE TREASURY TO THE CREDIT OF THE GENERAL REVENUE FUND.

(C) NOTHING IN THIS CHAPTER LIMITS THE AUTHORITY OF THE DIRECTOR TO INITIATE AND PURSUE ANY ADMINISTRATIVE REMEDY, OR TO REQUEST THE ATTORNEY GENERAL OR THE PROSECUTING ATTORNEY OF THE APPROPRIATE COUNTY OR CITY DIRECTOR OF LAW OF THE APPROPRIATE CITY TO INITIATE AND PURSUE ANY JUDICIAL REMEDY, AVAILABLE UNDER THIS CHAPTER TO ENFORCE THE SOLID AND INFECTIOUS WASTE PROVISIONS OF THIS CHAPTER AND ANY RULES OR TERMS OR CONDITIONS OF ANY PERMIT, LICENSE, VARIANCE, OR ORDER ADOPTED OR ISSUED UNDER THEM, WITH RESPECT TO ANY SOLID WASTE FACILITY OR INFECTIOUS WASTE TREATMENT FACILITY, REGARDLESS OF WHETHER A FACILITY IS LOCATED IN A HEALTH DISTRICT THAT IS ON THE APPROVED LIST UNDER THIS SECTION.

Sec. 3734.09. The board of health of a health district in which a solid waste facility OR AN INFECTIOUS WASTE TREATMENT FACILITY is located, OR THE DIRECTOR OF ENVIRONMENTAL PROTECTION, may suspend, revoke, or deny a license for the facility for violation of any section of this chapter or any regulation RULE adopted thereunder. The director of environmental protection may suspend, revoke, or deny a permit to operate any hazardous waste facility for violation of any section of this chapter or any regulation RULE adopted thereunder. No application for a permit or license to be issued under this chapter shall be denied, and no permit or license issued under this chapter shall be modified, suspended, or revoked, without a written order stating the findings upon which the denial, suspension, modification, or revocation is based. A copy of the order shall be sent to the applicant or permit or license holder by certified mail. Unless an emergency exists requiring immediate action to protect the public health or safety or the environment, no suspension, modification, or revocation of a license or permit shall be made effective until the permit or license holder has been given notice in writing and a reasonable period of time to make corrections.

Before the board of health may suspend, revoke, or deny a license to a political subdivision, it shall afford the political subdivision a hearing at which time the political subdivision may present evidence concerning its financial ability to comply with the regulations adopted by the director

pursuant to section 3734.02 of the Revised Code. The evidence may include and the board of health shall consider the existing limitations on the taxing power and debt limitations of the political subdivision; the extent to which the political subdivision is levying taxes and has incurred debt; and the other governmental and proprietary needs of the political subdivision as those needs affect its remaining authority to levy taxes and incur debt to comply with the regulations adopted by the director. After considering the evidence, the board of health may grant the political subdivision a conditional license to operate a solid waste facility without full compliance with the regulations adopted by the director and establish a reasonable time for full compliance by the political subdivision, which time may be extended by the board of health from time to time for good cause. Appeal from any suspension, revocation, or denial of a license shall be made in accordance with sections 3745.02 to 3745.06 of the Revised Code.

Sec. 3734.10. The attorney general or the prosecuting attorney of the county or the city director of law where a violation has occurred, is occurring, or may occur, upon request of the respective board of health of the health district, the legislative authority of a political subdivision in which a violation has occurred, is occurring, or may occur, or the director of environmental protection, shall prosecute to termination or bring an action for injunction against any person who has violated, is violating, or is threatening to violate any section of this chapter, rules adopted under this chapter, or TERMS OR CONDITIONS OF permits, LICENSES, VARIANCES, or orders issued under this chapter. The court of common pleas in which an action for injunction is filed has the jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate any section of this chapter, rules adopted thereunder, or TERMS OR CONDITIONS OF permits, LICENSES, VARIANCES, or orders issued under this chapter. The court shall give precedence to such an action over all other cases.

Upon written request by any person, the board of health or the director of environmental protection shall conduct such investigations and make such inquiries as are necessary to secure compliance with this chapter or the rules adopted thereunder. The director or any board of health may, upon request or upon their own initiative, investigate or make inquiries into any alleged violation or act of improper solid waste disposal, IMPROPER INFECTIOUS WASTE TRANSPORTATION OR TREATMENT, or improper hazardous waste storage, transportation, treatment, or disposal.

This chapter does not abridge rights of action or remedies in equity, under common law, or as provided by statute or prevent the state or any municipal corporation or person in the exercise of their rights in equity, under common law, or as provided by statute to suppress nuisances or to abate or prevent pollution.

Sec. 3734.101. (A) Except as provided in division (C) of this section, any person aggrieved or adversely affected by an alleged violation of the hazardous waste provisions of this chapter or a rule, permit, LICENSE,

**VARIANCE**, or order issued or adopted under them **IT** may commence a civil action on his own behalf against any person, the state, or a political subdivision that is alleged to be in violation of the hazardous waste provisions of this chapter or a rule, permit, **LICENSE**, **VARIANCE**, or order issued or adopted under them. Actions against the state OR A POLITICAL SUBDIVISION under this division may only relate to its activities involved in generating, transporting, storing, treating, or disposing of hazardous waste, **INFECTIOUS WASTE**, OR **SOLID WASTES**, but may not relate to any such activities involved in the cleanup of a hazardous waste **FACILITY**, **INFECTIOUS WASTE TREATMENT FACILITY**, OR **SOLID WASTE facility** OR TO ANY REGULATORY ACTIVITY, INCLUDING, WITHOUT LIMITATION, INSPECTIONS CONDUCTED BY IT IN ACCORDANCE WITH THIS CHAPTER AND RULES ADOPTED UNDER IT.

(B) An action under division (A) of this section may be commenced no sooner than one hundred fifty days after the aggrieved or adversely affected person has given notice of the alleged violation to the director of environmental protection, the attorney general, and the alleged violator. Notice required under this division shall be delivered by certified mail and shall describe in detail the alleged violation for which the action may be commenced.

(C)(1) No action may be commenced under division (A) of this section if, within one hundred fifty days after the aggrieved or adversely affected person has given notice under division (B) of this section:

(a) The director, with the written concurrence of the attorney general, has issued an administrative enforcement order requiring compliance by the alleged violator with the particular hazardous waste provision of this chapter, rule, permit, **LICENSE**, **VARIANCE**, or order in question; or

(b) The attorney general, prosecuting attorney of a county, or city director of law is prosecuting a civil or criminal action in any court to require compliance by the alleged violator with the particular hazardous waste provision of this chapter, rule, permit, **LICENSE**, **VARIANCE**, or order in question.

(2) Any person who has given notice under division (B) of this section may, as a matter of right, intervene in any administrative enforcement action under division (C)(1)(a) of this section or in any civil action under division (C)(1)(b) of this section.

(3) If the attorney general gives his written concurrence to the director's administrative enforcement order under division (C)(1)(a) of this section, he shall send by certified mail an exact photographic copy of the written concurrence to the person who gave notice under division (B) of this section.

(D) If the director is not a party in any action commenced under this section, he may intervene in it as a matter of right.

(E) Only the court of common pleas in the county in which an alleged violation occurs has original jurisdiction over actions authorized by division (A) of this section. The court may:

(1) Compel the alleged violator to comply with the particular hazardous waste provision of this chapter, rule, permit, LICENSE, VARIANCE, or order in question; and

(2) Award, as the court considers appropriate, costs of litigation, including reasonable attorney's fees and expert witness fees, to:

(a) A plaintiff who substantially prevails in the action; or

(b) A defendant who substantially prevails if the court ultimately determines that the action was brought in bad faith.

(F) Nothing in this section shall restrict any right that any person or class of persons may have under any statute or common law to seek enforcement of the hazardous waste provisions of this chapter or rules, permits, LICENSES, VARIANCES, or orders issued or adopted under them IT or to seek any other relief.

(G) The Rules of Civil Procedure generally applicable in civil actions shall apply to actions commenced under this section except as this section expressly provides otherwise.

Sec. 3734.11. (A) No person shall violate any section of this chapter or any rule adopted under it, OR ANY ORDER ISSUED UNDER SECTION 3734.13 OF THE REVISED CODE.

(B) No person who holds a permit OR LICENSE issued under this chapter shall violate any of the terms and conditions of the permit OR LICENSE.

Sec. 3734.12. The director of environmental protection shall adopt and may modify, suspend, or repeal rules in accordance with Chapter 119. of the Revised Code, which shall be consistent with and equivalent to the regulations promulgated under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except FOR RULES ADOPTED UNDER DIVISIONS (D) AND (F) OF THIS SECTION GOVERNING SOLID WASTE FACILITIES AND EXCEPT as otherwise provided in this chapter:

(A) Adopting the criteria and procedures established under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, for identifying hazardous waste. The director shall prepare, revise when appropriate, and publish a list of substances or categories of substances identified to be hazardous using the criteria specified in 40 C.F.R. 261, as amended, which shall be composed of at least those substances identified as hazardous pursuant to section 3001(b) of that act. The director shall not list any waste that the administrator of the United States environmental protection agency delisted or excluded by an amendment to the federal regulations, any waste that the administrator declined to list by publishing a denial of a rulemaking petition or by withdrawal of a proposed listing in the United States federal register after May 18, 1980, or any waste oil or polychlorinated biphenyl not listed by the administrator.

(B) Establishing standards for generators of hazardous waste necessary to protect human health or safety or the environment in accordance with this chapter, including, but not limited to, requirements respecting:

(1) Record-keeping practices that accurately identify the quantities of hazardous waste generated, the constituents thereof that are significant in quantity or in potential harm to human health or safety or the environment, and the disposition of the waste;

(2) Labeling of containers used for storage, transportation, or disposal of hazardous waste to identify the waste accurately;

(3) Use of appropriate containers for hazardous waste;

(4) Providing information on the general chemical composition of hazardous waste to persons transporting, treating, storing, or disposing of the waste;

(5) A manifest system requiring a manifest consistent with that prescribed under the "Resource Conservation and Recovery Act OF 19-76," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended, requiring a manifest for any hazardous waste transported off the premises where generated and assuring that all hazardous waste that is transported off the premises where generated is designated for treatment, storage, or disposal in facilities for which a permit has been issued or in the other facilities specified in division (F) of section 3734.02 of the Revised Code;

(6) Submission of such reports to the director as the director determines necessary;

(7) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section;

(8) Obtainment of a United States environmental protection agency identification number.

(C) Establishing standards for transporters of hazardous waste necessary to protect human health or safety or the environment in accordance with this chapter, including, but not limited to, requirements respecting:

(1) Record-keeping concerning hazardous waste transported, including source and delivery points;

(2) Submission of such reports to the director as the director determines necessary;

(3) Transportation of only properly labeled waste;

(4) Compliance with the manifest system required by division (B) of this section;

(5) Transportation of hazardous waste only to the treatment, storage, or disposal facility that the shipper designates on the manifest to be a facility holding a permit or another facility specified in division (F) of section 3734.02 of the Revised Code;

(6) Contingency plans to minimize unanticipated damage from transportation of hazardous waste;

(7) Registration of any transporter of hazardous waste with the agency designated by rule under this chapter, including the issuance of registration certificates by that agency;

(8) Financial responsibility, including, but not limited to, provisions requiring a financial mechanism to cover the costs of spill cleanup and liability for sudden accidental occurrences that result in damage to persons, property, or the environment;

(9) Obtainment of a United States environmental protection agency identification number.

In the case of any hazardous waste that is subject to the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, the rules shall be consistent with that act and regulations thereunder.

(D) Establishing performance standards for owners and operators of ~~treatment, storage, and disposal~~ **HAZARDOUS WASTE facilities AND OWNERS AND OPERATORS OF SOLID WASTE FACILITIES**, necessary to protect human health or safety or the environment in accordance with this chapter, including, but not limited to, requirements respecting:

(1) Maintaining records of all hazardous waste that is treated, stored, or disposed of and of the manner in which the waste was treated, stored, or disposed of **OR RECORDS OF ALL SOLID WASTES TRANSFERRED OR DISPOSED OF AND OF THE MANNER IN WHICH THE WASTES WERE DISPOSED OF;**

(2) Submission of such reports to the director as the director determines necessary;

(3) Reporting, monitoring, inspection, and, **EXCEPT WITH RESPECT TO SOLID WASTE FACILITIES**, compliance with the manifest system referred to in division (B) of this section;

(4) Treatment, storage, or disposal of all **HAZARDOUS** waste received by methods, techniques, and practices approved by the director **AND DISPOSAL OR TRANSFER OF ALL SOLID WASTES RECEIVED BY METHODS, TECHNIQUES, AND PRACTICES APPROVED BY THE DIRECTOR;**

(5) Location, design, and construction of ~~treatment, storage, or disposal~~ **HAZARDOUS WASTE facilities AND LOCATION, DESIGN, AND CONSTRUCTION OF SOLID WASTE FACILITIES;**

(6) Contingency plans for effective action to minimize unanticipated damage from treatment, storage, or disposal of hazardous waste **AND THE DISPOSAL OR TRANSFER OF SOLID WASTES;**

(7) Ownership, continuity of operation, training for personnel, and financial responsibility, including the filing of closure and post-closure financial assurance, if applicable. No private entity shall be precluded by reason of these requirements from the ownership or operation of facilities providing hazardous waste treatment, storage, or disposal services if the entity can provide assurances of financial responsibility and continuity of operation consistent with the degree and duration of risks associated with the treatment, storage, or disposal of specified hazardous waste.

(8) Closure and post-closure care of a hazardous waste facility where hazardous waste will no longer be treated, stored, or disposed of **AND OF A SOLID WASTE FACILITY WHERE SOLID WASTES WILL NO LONGER BE DISPOSED OF OR TRANSFERRED;**

(9) Establishment of quality control and testing procedures that ensure compliance with the rules adopted under this section;

(10) Obtainment of a United States environmental protection agency identification number for each **HAZARDOUS WASTE** treatment, storage, or disposal facility;

(11) Trial burns and land treatment demonstrations.

(E) Governing the issuance, modification, revocation, suspension, withdrawal, and denial of installation and operation permits, draft permits, and transportation certificates of registration;

(F) Specifying information required to be included in applications for HAZARDOUS WASTE installation and operation permits AND SOLID WASTE PERMITS, including, but not limited to, detail plans, specifications, and information respecting:

(1) The composition, quantities, and concentrations of hazardous waste and solid wastes to be stored, treated, transported, or disposed of and such other information as the director may require regarding the method of operation;

(2) The facility to which the waste will be transported or where it will be stored, treated, or disposed of;

(3) The closure and post-closure care of a hazardous waste facility where hazardous waste will no longer be treated, stored, or disposed of AND OF A SOLID WASTE FACILITY WHERE SOLID WASTES WILL NO LONGER BE DISPOSED OF OR TRANSFERRED.

(G) Establishing procedures that will ensure ENSURING that all information entitled to protection as trade secrets disclosed to the director or his authorized representative is not disclosed without the consent of the owner, except that such information may be disclosed, upon request, to authorized representatives of the United States environmental protection agency, or as required by law. As used in this section, "trade secrets" means any formula, plan, pattern, process, tool, mechanism, compound, procedure, production date, or compilation of information that is not patented, that is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article, trade, or service having commercial value, and that gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(H) Prohibiting the disposal of specified hazardous wastes in this state if the director has determined that:

(1) The potential impacts on human health or safety or the environment are such that disposal of those wastes should not be allowed; and

(2) A technically feasible and environmentally sound alternative is reasonably available, either within or outside this state, for processing, recycling, fixation of, neutralization of, or other treatment of those wastes. Such reasonable availability shall not be determined without a consideration of the costs to the generator of implementing the alternatives.

No later than June 30, 1987, the THE director shall adopt, and may, subsequent to adoption, modify, suspend, or rescind rules to specify hazardous wastes that shall not be disposed of in accordance with this division. Nothing in this division shall, either prior to or after adoption of those rules, preclude the director or the hazardous waste facility board created in section 3734.05 of the Revised Code from prohibiting the disposal of specified hazardous wastes at particular facilities under the terms or conditions of a permit or preclude the director from prohibiting that disposal by order.

(I)(1)(a) Governing the following that may be more stringent than the regulations promulgated under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, when the director determines that such more stringent rules are reasonable in order to protect human health or safety or the environment:

(i) Specific wastes that the director determines, because of their physical, chemical, or biological characteristics, are so extremely hazardous that the waste's storage, treatment, or disposal OF THE WASTES in compliance with those regulations would present an imminent danger to human health or safety or the environment;

(ii) The use of only properly designed, operated, and approved transfer facilities;

(iii) Preventing illegitimate activities relating to the reuse, recycling, or reclaiming of hazardous waste, including record keeping, reporting, and manifest requirements.

(b) In adopting such more stringent rules, the director shall give consideration to and base his rules on evidence concerning factors including, but not limited to, the following insofar as pertinent:

(i) Geography of the state;

(ii) Geology of the state;

(iii) Hydrogeology of the state;

(iv) Climate of the state;

(v) Engineering and technical feasibility; and

(vi) Availability of alternative technologies or methods of storage, treatment, or disposal.

(2) The director may require the submission of reports from generators and transporters of hazardous waste and from owners or operators of treatment, storage, or disposal facilities. THE SUBMISSION OF REPORTS in addition to those required under regulations promulgated under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, to the extent that such reports contain information that the generator, transporter, or facility owner or operator is required to obtain in order to comply with the regulations promulgated by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, or to the extent that such reports are required by the director to meet the requirements of division (B)(7), (D)(9), or (H) of THIS section 3734-13 or section 3734.121 of the Revised Code.

(J) Governing the storage, treatment, or disposal of hazardous waste in, and the permitting, design, construction, operation, monitoring, inspection, closure, and post-closure care of, hazardous waste underground injection wells, surface impoundments, waste piles other than those composed of materials removed from the ground as part of coal or mineral extraction or cleaning processes, land treatment facilities, thermal treatment facilities, and landfills that may be more stringent than the regulations promulgated under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, whenever the director reasonably determines that federal regulations will not adequate-

ly protect the public health or safety or the environment of this state with respect to the subject matter of the more stringent rules. Such more stringent STRINGENT rules shall be developed to achieve a degree of protection, as determined by the director, consistent with the degree of hazard potentially posed by the various wastes or categories of wastes to be treated, stored, or disposed of and the types of facilities at which they are to be treated, stored, or disposed of. In adopting such more stringent rules, the director shall give consideration to and base his rules on evidence concerning factors including, but not limited to, the following insofar as pertinent:

- (1) Geography of the state;
- (2) Geology of the state;
- (3) Hydrogeology of the state;
- (4) Climate of the state;
- (5) Engineering and technical feasibility; and
- (6) Availability of alternative technologies or methods of storage, treatment, or disposal.

Sec. 3734.13. (A) The director of environmental protection may issue, modify, suspend, or revoke enforcement orders in accordance with Chapter 3745. of the Revised Code to a permit or license holder or other person, directing the holder or person to abate violation, OR TO PREVENT ANY THREATENED VIOLATION, of any section of this chapter, a rule adopted thereunder, or a term or condition of a permit, LICENSE, OR VARIANCE issued thereunder within a specified, reasonable time.

(B) If the director determines that an emergency exists requiring immediate action to protect the public health or safety or the environment, he may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately, but on application to the director shall be afforded a hearing as soon as possible, and not later than thirty days after application. On the basis of the hearing, the director shall continue the order in effect, revoke it, or modify it. No emergency order shall remain in effect for more than ninety ONE HUNDRED TWENTY days after its issuance.

(C) If the director determines that any person is violating or has violated this chapter, a rule adopted thereunder, or a term or condition of a permit, LICENSE, VARIANCE, OR ORDER issued thereunder, the director may, without prior issuance of an order, request in writing that the attorney general bring a civil action for appropriate relief, including a temporary restraining order, preliminary or permanent injunction, and civil penalties in any court of competent jurisdiction. Such an action shall have precedence over all other cases. The court may impose upon the person a civil penalty of not more than ten thousand dollars for each day of each violation of this chapter, a rule adopted thereunder other than a rule adopted under division (B) of section 3734.122 of the Revised Code, or a term or condition of a permit, LICENSE, VARIANCE, OR ORDER issued thereunder. The court may impose upon a person who violates a rule

adopted under division (B) of section 3734.122 of the Revised Code a civil penalty of not more than twenty-five thousand dollars for each day of each violation of the rule. Except as provided in division (E) of this section, moneys resulting from civil penalties imposed under this division shall be paid into the hazardous waste clean-up fund created in section 3734.28 of the Revised Code.

Any action under this section is a civil action, governed by the Rules of Civil Procedure and other rules of practice and procedure applicable to civil actions.

(D) No person shall violate any term or condition of any order issued under this section.

(E) Moneys resulting from civil penalties imposed under division (C) of this section for a violation of this chapter, a rule adopted under it, or a term or condition of a permit issued under it with respect to the segregation, packaging, treatment, transportation, or disposal of infectious solid wastes shall be paid into the infectious solid wastes management fund created in section 3734.621 of the Revised Code. Notwithstanding any section of the Revised Code relating to the distribution and crediting of fines for violations of the Revised Code, all fines imposed under division (A) of section 3734.99 of the Revised Code for violations of any section of this chapter governing the segregation, packaging, treatment, transportation, or disposal of infectious solid wastes shall be paid into the infectious solid wastes management fund **SHALL BE PAID INTO THE HAZARDOUS WASTE CLEAN-UP FUND CREATED IN SECTION 3734.28 OF THE REVISED CODE.**

Sec. 3734.131. (A)(1) EXCEPT AS PROVIDED IN DIVISION (C) OF THIS SECTION, ON AND AFTER JANUARY 1, 1989, NO PERSON SHALL TRANSPORT OR CAUSE TO BE TRANSPORTED FROM OUTSIDE THIS STATE TO A SOLID WASTE FACILITY, INFECTIOUS WASTE TREATMENT FACILITY, OR HAZARDOUS WASTE FACILITY IN THIS STATE ANY SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE UNLESS EACH OF THE FOLLOWING PERSONS HAS FIRST IRREVOCABLY CONSENTED IN WRITING TO THE JURISDICTION OF THE COURTS OF THIS STATE AND SERVICE OF PROCESS IN THIS STATE, INCLUDING, WITHOUT LIMITATION, SUMMONS AND SUBPOENAS, FOR ANY CIVIL OR CRIMINAL PROCEEDING ARISING OUT OF OR RELATING TO THE WASTE THAT IS SHIPPED TO A FACILITY IN THIS STATE:

(a) THE PERSON WHO ACTUALLY TRANSPORTS THE WASTE;

(b) THE BUSINESS CONCERN WHO EMPLOYS THE PERSON DESCRIBED IN DIVISION (A)(1)(a) OF THIS SECTION;

(c) THE PERSON OR PERSONS WHO HAVE CONTRACTED WITH THE TRANSPORTER FOR TRANSPORTATION OF THE WASTE TO A FACILITY IN THIS STATE;

(d) THE PERSON OR PERSONS WHO HAVE CONTRACTED WITH THE OWNER OR OPERATOR OF THE FACILITY FOR

TREATMENT, TRANSFER, STORAGE, OR DISPOSAL OF THE WASTE AT THE FACILITY IN THIS STATE.

(2) THE ORIGINAL OF THE CONSENT-TO-SERVICE DOCUMENT SHALL BE FILED WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION ON A FORM PROVIDED BY THE DIRECTOR. A COPY OF THE COMPLETED DOCUMENT SHALL BE FILED WITH THE OWNER OR OPERATOR OF EACH SOLID WASTE FACILITY, INFECTIOUS WASTE TREATMENT FACILITY, OR HAZARDOUS WASTE FACILITY TO WHICH THE WASTE IS TRANSPORTED. THE ORIGINAL AND EACH COPY SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AT LEAST SEVEN DAYS BEFORE THE FIRST SHIPMENT OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE INTO THIS STATE IN THE YEAR FOR WHICH THE DOCUMENT IS FILED.

(3) EXCEPT AS PROVIDED IN DIVISION (C) OF THIS SECTION, A CONSENT-TO-SERVICE DOCUMENT SHALL BE FILED ANNUALLY AT LEAST SEVEN DAYS PRIOR TO THE FIRST SHIPMENT OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE INTO THIS STATE FOR TREATMENT, TRANSFER, STORAGE, OR DISPOSAL AND SHALL APPLY TO ALL SUCH SHIPMENTS DURING THE CALENDAR YEAR FOR WHICH IT IS FILED.

(4) A PERSON WHO ENTERS THIS STATE PURSUANT TO A SUMMONS, SUBPOENA, OR OTHER FORM OF PROCESS AUTHORIZED BY THIS SECTION IS NOT SUBJECT TO ARREST OR THE SERVICE OF PROCESS, WHETHER CIVIL OR CRIMINAL, IN CONNECTION WITH OTHER MATTERS THAT AROSE BEFORE HIS ENTRANCE INTO THIS STATE PURSUANT TO THE SUMMONS, SUBPOENA, OR OTHER FORM OF PROCESS AUTHORIZED BY THIS SECTION.

(B)(1) EXCEPT AS PROVIDED IN DIVISION (C) OF THIS SECTION, NO OWNER, OPERATOR, OR EMPLOYEE OF A SOLID WASTE FACILITY, INFECTIOUS WASTE TREATMENT FACILITY, OR HAZARDOUS WASTE FACILITY SHALL ACCEPT FOR TREATMENT, TRANSFER, STORAGE, OR DISPOSAL AT THE FACILITY ANY SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE FROM OUTSIDE THE BOUNDARIES OF THIS STATE UNLESS A COPY OF THE CONSENT-TO-SERVICE DOCUMENT REQUIRED UNDER THIS SECTION AND APPLICABLE TO THE WASTE IS ON FILE AT THE FACILITY.

(2) THE OWNER OR OPERATOR OF A SOLID WASTE FACILITY, INFECTIOUS WASTE TREATMENT FACILITY, OR HAZARDOUS WASTE FACILITY SHALL KEEP THE CONSENT-TO-SERVICE DOCUMENTS FILED WITH HIM UNDER THIS SECTION AT THE FACILITY IN SUCH A LOCATION AND MANNER THAT THEY ARE READILY ACCESSIBLE TO THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE, AND THE BOARD OF HEALTH HAVING JURISDICTION OVER THE FACILITY AND

ITS AUTHORIZED REPRESENTATIVE, FOR THE PURPOSES OF SECTIONS 3734.07 AND 3734.10 OF THE REVISED CODE.

(C) DIVISIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO THE TRANSPORTATION, TRANSFER, OR DISPOSAL OF SOLID WASTES FROM RESIDENTIAL PREMISES LOCATED LESS THAN TEN MILES OUTSIDE THE BOUNDARIES OF THIS STATE.

Sec. 3734.132. (A) UNLESS PROVIDED FOR BY A CONTRACT ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS SECTION OR UNLESS A WAIVER HAS BEEN ISSUED UNDER DIVISION (B) OF THIS SECTION, NO PERSON SHALL TRANSPORT OR CAUSE TO BE TRANSPORTED FROM OUTSIDE THIS STATE TO A SOLID WASTE FACILITY IN THIS STATE ANY SOLID WASTES FOR TRANSFER OR DISPOSAL, AND NO OWNER OR OPERATOR OF A SOLID WASTE FACILITY SHALL ACCEPT FOR DISPOSAL OR DISPOSE OF ANY SOLID WASTES GENERATED OUTSIDE THE BOUNDARIES OF THIS STATE.

THIS DIVISION DOES NOT APPLY TO THE DISPOSAL OF SOLID WASTES AT ANY FACILITY THAT MEETS EITHER OF THE FOLLOWING CRITERIA:

(1) THE FACILITY IS OWNED BY A GENERATOR OF SOLID WASTES WHEN THE SOLID WASTE FACILITY EXCLUSIVELY DISPOSES OF SOLID WASTES GENERATED AT PREMISES OWNED BY THE GENERATOR;

(2) THE FACILITY EXCLUSIVELY DISPOSES OF WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH GARBAGE AT ONE OR MORE PREMISES OWNED BY THE GENERATOR.

(B) THE GOVERNOR MAY, ON HIS OWN INITIATIVE OR UPON THE REQUEST OF THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT OR THE OWNER OR OPERATOR OF A SOLID WASTE FACILITY, ISSUE A WAIVER UNDER DIVISION (A) OF THIS SECTION. THE WAIVER MAY AUTHORIZE THE RECEIPT OF SOLID WASTES GENERATED OUTSIDE THIS STATE FOR DISPOSAL AT ALL SOLID WASTE FACILITIES IN THIS STATE OR MAY AUTHORIZE DISPOSAL OF OUT-OF-STATE WASTES WITHIN THE COUNTY OR JOINT DISTRICT OR AT THE FACILITY FOR WHICH THE WAIVER WAS REQUESTED. THE GOVERNOR MAY ISSUE SUCH A WAIVER IF HE CONSIDERS THAT ITS ISSUANCE WILL BE IN THE BEST INTERESTS OF THE STATE AND WILL NOT HAVE AN ADVERSE EFFECT ON THE SOLID WASTE MANAGEMENT PLANNING PROCESS UNDER SECTIONS 3734.52 TO 3734.56 OF THE REVISED CODE.

DISPOSAL OF WASTES GENERATED OUTSIDE THE BOUNDARIES OF THIS STATE THAT IS AUTHORIZED BY A WAIVER ISSUED UNDER THIS DIVISION IS SUBJECT TO AND GOVERNED BY THIS CHAPTER, RULES ADOPTED UNDER IT, TERMS AND CONDITIONS OF PERMITS, LICENSES, AND ORDERS ISSUED UNDER IT, THE SOLID WASTE MANAGEMENT

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PLAN OR AMENDED PLAN OF THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT IN WHICH THE WASTES ARE DISPOSED OF APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE, AND RULES OF THE COUNTY OR JOINT DISTRICT ADOPTED UNDER DIVISION (FX1) OF SECTION 343.01 OF THE REVISED CODE.

Sec. 3734.18. (A) There are hereby levied fees on the disposal of hazardous waste to be collected according to the following schedule at each disposal facility to which the hazardous waste facility board has issued a hazardous waste facility installation and operation permit or the director of environmental protection has issued a renewal permit pursuant to section 3734.05 of the Revised Code:

(1) For disposal facilities that are off-site facilities as defined in division (E) of section 3734.02 of the Revised Code, fees shall be levied at the rate of four dollars and fifty cents per ton for hazardous waste disposed of by deep well injection, AND nine dollars per ton for hazardous waste disposed of by land application or landfilling, and, during the period from the effective date of this amendment until January 1, 1987, twenty dollars per ton for the disposal of acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended. The owner or operator of the facility, as a trustee for the state, shall collect the fees and forward them to the director in accordance with rules adopted under this section.

(2) For disposal facilities that are on-site or satellite facilities, as defined in division (E) of section 3734.02 of the Revised Code, fees shall be levied at the rate of two dollars per ton for hazardous waste disposed of by deep well injection, AND four dollars per ton for hazardous waste disposed of by land application or landfilling, and, during the period from the effective date of this amendment until January 1, 1987, twenty dollars per ton for the disposal of acute hazardous waste listed in 40 C.F.R. 261.33(e), as amended. The maximum annual disposal fee for an on-site disposal facility that disposes of one hundred thousand tons or less of hazardous waste in a year is twenty-five thousand dollars, and the maximum annual disposal fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year is fifty thousand dollars. The maximum annual disposal fee for a satellite facility that disposes of one hundred thousand tons or less of hazardous waste in a year is thirty-seven thousand five hundred dollars, and the maximum annual disposal fee for a satellite facility that disposes of more than one hundred thousand tons of hazardous waste in a year is seventy-five thousand dollars, except that a satellite facility defined under division (E)(3)(b) of section 3734.02 of the Revised Code that receives hazardous waste from a single generation site is subject to the same maximum annual disposal fees as an on-site disposal facility. The owner or operator shall pay the fee to the director each year upon the anniversary of the date of issuance of his installation and operation permit during the term of that permit and any renewal permit issued under division (G) of section 3734.05 of the Revised Code. If pay-

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ment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that it is late.

(B) There are hereby levied fees at the rate of two dollars per ton on hazardous waste that is treated at treatment facilities that are not on-site or satellite facilities, as defined in division (E) of section 3734.02 of the Revised Code, to which the hazardous waste facility board has issued a hazardous waste facility installation and operation permit or the director of environmental protection has issued a renewal permit, or THAT are not subject to the hazardous waste facility installation and operation permit requirements under rules adopted by the director.

(C) NOTWITHSTANDING THE FEES SPECIFIED IN DIVISIONS (A) AND (B) OF THIS SECTION, THE FEES LEVIED ON HAZARDOUS WASTES GENERATED OUTSIDE THE BOUNDARIES OF THIS STATE THAT ARE TREATED OR DISPOSED OF AT FACILITIES WITHIN THIS STATE SHALL BE SEVENTY-FIVE DOLLARS PER TON OR AN AMOUNT EQUAL TO THE FEE APPLICABLE TO THE WASTE IF IT WERE TREATED OR DISPOSED OF IN THE STATE WHERE IT WAS GENERATED, WHICHEVER IS GREATER.

(D) THERE ARE HEREBY LEVIED ADDITIONAL FEES ON THE TREATMENT AND DISPOSAL OF HAZARDOUS WASTE AT THE RATE OF TEN PER CENT OF THE APPLICABLE FEE PRESCRIBED IN DIVISION (A), (B), OR (C) OF THIS SECTION FOR THE PURPOSES OF PAYING THE COSTS OF MUNICIPAL CORPORATIONS AND COUNTIES FOR CONDUCTING REVIEWS OF APPLICATIONS FOR HAZARDOUS WASTE FACILITY INSTALLATION AND OPERATION PERMITS FOR PROPOSED NEW OR MODIFIED HAZARDOUS WASTE LANDFILLS WITHIN THEIR BOUNDARIES, EMERGENCY RESPONSE ACTIONS WITH RESPECT TO RELEASES OF HAZARDOUS WASTE FROM HAZARDOUS WASTE FACILITIES WITHIN THEIR BOUNDARIES, MONITORING THE OPERATION OF SUCH HAZARDOUS WASTE FACILITIES, AND LOCAL WASTE MANAGEMENT PLANNING PROGRAMS. THE OWNER OR OPERATOR OF A FACILITY LOCATED WITHIN A MUNICIPAL CORPORATION SHALL, AS A TRUSTEE FOR THE MUNICIPAL CORPORATION, COLLECT THE FEES LEVIED BY THIS DIVISION AND FORWARD THEM TO THE TREASURER OF THE MUNICIPAL CORPORATION OR SUCH OFFICER AS, BY VIRTUE OF THE CHARTER, HAS THE DUTIES OF THE TREASURER IN ACCORDANCE WITH THE RULES ADOPTED UNDER THIS SECTION. THE OWNER OR OPERATOR OF A FACILITY LOCATED IN AN UNINCORPORATED AREA SHALL, AS A TRUSTEE OF THE COUNTY IN WHICH THE FACILITY IS LOCATED, COLLECT THE FEES LEVIED BY THIS DIVISION AND FORWARD THEM TO THE COUNTY TREASURER OF THAT COUNTY IN ACCORDANCE WITH THE RULES ADOPTED UNDER THIS SECTION. THE OWNER OR OPERATOR SHALL PAY THE FEES LEVIED BY THIS DIVISION TO THE TREASURER OR SUCH OTHER OFFICER OF

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THE MUNICIPAL CORPORATION OR TO THE COUNTY TREASURER EACH YEAR UPON THE ANNIVERSARY OF THE DATE HIS INSTALLATION AND OPERATION PERMIT WAS ISSUED UNDER DIVISION (H) OF SECTION 3734.05 OF THE REVISED CODE. IF PAYMENT IS LATE, THE OWNER OR OPERATOR SHALL PAY AN ADDITIONAL TEN PER CENT OF THE AMOUNT OF THE FEE FOR EACH MONTH THAT THE PAYMENT IS LATE.

MONEYS RECEIVED BY A MUNICIPAL CORPORATION UNDER THIS DIVISION SHALL BE PAID INTO A SPECIAL FUND OF THE MUNICIPAL CORPORATION AND USED EXCLUSIVELY FOR THE PURPOSES OF CONDUCTING REVIEWS OF APPLICATIONS FOR HAZARDOUS WASTE FACILITY INSTALLATION AND OPERATION PERMITS FOR NEW OR MODIFIED HAZARDOUS WASTE LANDFILLS LOCATED OR PROPOSED WITHIN THE MUNICIPAL CORPORATION, CONDUCTING EMERGENCY RESPONSE ACTIONS WITH RESPECT TO RELEASES OF HAZARDOUS WASTE FROM FACILITIES LOCATED WITHIN THE MUNICIPAL CORPORATION, MONITORING OPERATION OF SUCH HAZARDOUS WASTE FACILITIES, AND CONDUCTING WASTE MANAGEMENT PLANNING PROGRAMS WITHIN THE MUNICIPAL CORPORATION OR PURSUANT TO CONTRACTS ENTERED INTO WITH PERSONS OR POLITICAL SUBDIVISIONS. MONEYS RECEIVED BY A BOARD OF COUNTY COMMISSIONERS UNDER THIS DIVISION SHALL BE PAID INTO A SPECIAL FUND OF THE COUNTY AND SHALL BE USED EXCLUSIVELY FOR THOSE PURPOSES WITHIN THE UNINCORPORATED AREA OF THE COUNTY THROUGH EMPLOYEES OF THE COUNTY DISTRICT OR PURSUANT TO CONTRACTS ENTERED INTO WITH PERSONS OR POLITICAL SUBDIVISIONS.

(E) As used in this section, "treatment" OR "TREATED" does not include any method, technique, or process designed to recover energy or material resources from the waste or to render the waste amenable for recovery. The fees levied by this division DIVISIONS (B) AND (C) OF THIS SECTION do not apply to hazardous waste that is treated and disposed of on the same premises or by the same person.

(F) The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe any dates not specified in this section and procedures for collecting and forwarding the fees prescribed by this section and may prescribe other requirements that are necessary to carry out this section.

The director shall deposit the moneys collected under DIVISIONS (A), (B), AND (C) OF this section into one or more minority banks, as "minority bank" is defined in division (G)(1) of section 135.04 of the Revised Code, to the credit of the hazardous waste facility management fund, which is hereby created in the state treasury.

The environmental protection agency and the hazardous waste facility board may use moneys in the fund for administration of the hazardous waste program established under this chapter and, in accordance with this

section, may request approval by the controlling board for such use on an annual basis. In addition, the agency may use and pledge moneys in the fund for repayment of and for interest on any loans made by the Ohio water development authority to the agency for the hazardous waste program established under this chapter without the necessity of requesting approval by the controlling board, which use and pledge shall have priority over any other use of the moneys in the fund.

If moneys in the fund that the agency uses in accordance with this chapter are reimbursed by grants or other moneys from the United States government, the grants or other moneys shall be placed in the fund. If moneys in the fund that the agency uses to pay the state's long-term operation and maintenance costs or matching share for actions taken under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, are reimbursed by grants or other moneys from any person, the reimbursed moneys shall be placed in the fund for reuse as the state's long term operation and maintenance costs or matching share for such actions, and not in the general revenue fund or the hazardous waste clean-up fund created in section 3734.28 of the Revised Code.

Before the agency makes any expenditure from the fund other than for repayment of and interest on any loan made by the Ohio water development authority to the agency in accordance with this section, the controlling board shall approve the expenditure.

**Sec. 3734.31. (A) The director of environmental protection shall employ and equip such individuals as are needed to adequately and regularly inspect and monitor operating hazardous waste disposal facilities, INFECTIOUS WASTE TREATMENT FACILITIES, OR SOLID WASTE FACILITIES located off the premises where hazardous waste, INFECTIOUS WASTE, OR SOLID WASTE is generated.**

**(B) The director may employ and equip such individuals as are necessary to inspect and monitor operating hazardous waste treatment, storage, and disposal facilities, INFECTIOUS WASTE TREATMENT FACILITIES, OR SOLID WASTE FACILITIES other than those described in division (A) of this section.**

**Sec. 3734.40. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THE FOLLOWING TO BE THE PUBLIC POLICY OF THIS STATE:**

**(A) THAT THE OFF-SITE TREATMENT, STORAGE, AND DISPOSAL OF HAZARDOUS WASTE AND THE OFF-SITE DISPOSAL OF SOLID WASTES, INCLUDING INCINERATION, AND TRANSFER OF SOLID WASTES ARE CRITICAL COMPONENTS OF THE ECONOMIC STRUCTURE OF THIS STATE AND, WHEN PROPERLY CONTROLLED AND REGULATED, MAKE SUBSTANTIAL CONTRIBUTIONS TO THE GENERAL WELFARE, HEALTH, AND PROSPERITY OF THE STATE AND ITS INHABITANTS BY MINIMIZING THE SERIOUS HEALTH AND ENVIRONMENTAL THREATS INHERENT IN THE MANAGEMENT OF THESE WASTES;**

(B) THAT THE REGULATORY PROVISIONS OF THIS CHAPTER ARE DESIGNED TO EXTEND STRICT STATE REGULATION TO THOSE PERSONS INVOLVED IN THE OPERATIONS OF THESE PERMITTED ACTIVITIES SO AS TO FOSTER AND JUSTIFY THE PUBLIC CONFIDENCE AND TRUST IN THE CREDIBILITY AND INTEGRITY OF THE CONDUCT OF THESE ACTIVITIES;

(C) THAT THE SOLID AND HAZARDOUS WASTE MANAGEMENT INDUSTRIES IN THIS STATE CAN ATTAIN, MAINTAIN, AND RETAIN INTEGRITY, PUBLIC CONFIDENCE, AND TRUST, AND PROMOTE THE GENERAL PUBLIC INTEREST, ONLY UNDER A SYSTEM OF CONTROL AND REGULATION THAT PRECLUDES THE PARTICIPATION THEREIN OF PERSONS WITH KNOWN CRIMINAL RECORDS AND EXCLUDES OR REMOVES FROM ANY POSITION OF AUTHORITY OR RESPONSIBILITY ANY PERSON KNOWN TO BE SO DEFICIENT IN RELIABILITY, EXPERTISE, OR COMPETENCE WITH SPECIFIC REFERENCE TO THE SOLID OR HAZARDOUS WASTE MANAGEMENT INDUSTRIES THAT HIS PARTICIPATION IN THEM WOULD CREATE OR ENHANCE THE DANGER OF UNSOUND, UNFAIR, OR ILLEGAL PRACTICES, METHODS, AND ACTIVITIES IN THE CONDUCT OF THE BUSINESS OF THE INDUSTRIES;

(D) THAT STRICT LICENSING STANDARDS WILL HELP ENSURE THAT MEMBERS OF THE WASTE MANAGEMENT INDUSTRY IN THIS STATE WILL CONTINUE TO MAINTAIN STANDARDS OF PROFESSIONALISM AND RESPONSIBILITY;

(E) THAT IT THEREFORE IS VITAL TO THE INTERESTS OF THIS STATE TO PREVENT EITHER DIRECT OR INDIRECT ENTRY INTO THE OPERATIONS OF THE OFF-SITE SOLID WASTE DISPOSAL AND TRANSFER AND THE OFF-SITE HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL, INDUSTRIES OF PERSONS WHO ARE NOT COMPETENT AND RELIABLE OR WHO HAVE PURSUED ECONOMIC GAINS IN AN OCCUPATIONAL MANNER OR CONTEXT VIOLATIVE OF THE CRIMINAL CODE OR CIVIL PUBLIC POLICIES OF THIS STATE, AND IT IS TO THE END OF EXCLUDING SUCH PERSONS FROM THOSE INDUSTRIES THAT THE REGULATORY AND INVESTIGATORY POWERS AND DUTIES PROVIDED IN SECTIONS 3734.41 TO 3734.47 OF THE REVISED CODE SHALL BE EXERCISED TO THE FULLEST EXTENT CONSISTENT WITH LAW.

Sec. 3734.41. AS USED IN SECTIONS 3734.41 TO 3734.47 OF THE REVISED CODE:

(A) "APPLICANT" MEANS ANY PERSON SEEKING A PERMIT OR LICENSE FOR AN OFF-SITE FACILITY.

(B) "APPLICATION" MEANS THE FORMS AND ACCOMPANYING DOCUMENTS FILED IN CONNECTION WITH THE APPLICANT'S REQUEST FOR A PERMIT.

(C) "BUSINESS CONCERN" MEANS ANY CORPORATION, ASSOCIATION, FIRM, PARTNERSHIP, TRUST, OR OTHER FORM OF COMMERCIAL ORGANIZATION.

(D) "DISCLOSURE STATEMENT" MEANS A STATEMENT SUBMITTED TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND THE ATTORNEY GENERAL BY AN APPLICANT. THE STATEMENT SHALL INCLUDE:

(1) THE FULL NAME, BUSINESS ADDRESS, AND SOCIAL SECURITY NUMBER OF THE APPLICANT, OR, IF THE APPLICANT IS A BUSINESS CONCERN, OF ALL OFFICERS, DIRECTORS, PARTNERS, OR KEY EMPLOYEES THEREOF AND ALL INDIVIDUALS OR BUSINESS CONCERNS HOLDING ANY EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS CONCERN, OR, IF THE BUSINESS CONCERN IS A PUBLICLY TRADED CORPORATION, ALL INDIVIDUALS OR BUSINESS CONCERNS HOLDING MORE THAN FIVE PER CENT OF THE EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS CONCERN, EXCEPT THAT WHEN THE DEBT LIABILITY IS HELD BY A CHARTERED LENDING INSTITUTION, THE APPLICANT NEED ONLY SUPPLY THE NAME AND BUSINESS ADDRESS OF THE LENDING INSTITUTION;

(2) THE FULL NAME, BUSINESS ADDRESS, AND SOCIAL SECURITY NUMBER OF ALL OFFICERS, DIRECTORS, OR PARTNERS OF ANY BUSINESS CONCERN DISCLOSED IN THE STATEMENT AND THE NAMES AND ADDRESSES OF ALL PERSONS HOLDING ANY EQUITY IN OR THE DEBT LIABILITY OF ANY BUSINESS CONCERN SO DISCLOSED, OR, IF THE BUSINESS CONCERN IS A PUBLICLY TRADED CORPORATION, ALL INDIVIDUALS OR BUSINESS CONCERNS HOLDING MORE THAN FIVE PER CENT OF THE EQUITY IN OR DEBT LIABILITY OF THAT BUSINESS CONCERN, EXCEPT THAT WHEN THE DEBT LIABILITY IS HELD BY A CHARTERED LENDING INSTITUTION, THE APPLICANT NEED ONLY SUPPLY THE NAME AND BUSINESS ADDRESS OF THE LENDING INSTITUTION;

(3) THE FULL NAME AND BUSINESS ADDRESS OF ANY COMPANY IN WHICH THE APPLICANT HOLDS AN EQUITY INTEREST AND THAT COLLECTS, TRANSFERS, TRANSPORTS, TREATS, STORES, OR DISPOSES OF SOLID WASTES OR HAZARDOUS WASTE;

(4) A DESCRIPTION OF THE EXPERIENCE AND CREDENTIALS, INCLUDING ANY PAST OR PRESENT PERMITS OR LICENSES, FOR THE COLLECTION, TRANSFER, TRANSPORTATION, TREATMENT, STORAGE, OR DISPOSAL OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE POSSESSED BY THE APPLICANT, OR, IF THE APPLICANT IS A BUSINESS CONCERN, BY THE OFFICERS, DIRECTORS, PARTNERS, OR KEY EMPLOYEES THEREOF;

(5) A LISTING AND EXPLANATION OF ANY CIVIL OR CRIMINAL PROSECUTION BY GOVERNMENT AGENCIES, AD-

MINISTRATIVE ENFORCEMENT ACTIONS RESULTING IN THE IMPOSITION OF SANCTIONS, OR LICENSE REVOCATIONS OR DENIALS ISSUED BY ANY STATE OR FEDERAL AUTHORITY IN THE TEN YEARS IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION, THAT ARE PENDING OR HAVE RESULTED IN A FINDING OR A SETTLEMENT OF A VIOLATION OF ANY LAW OR RULE OR REGULATION RELATING TO THE COLLECTION, TRANSFER, TRANSPORTATION, TREATMENT, STORAGE, OR DISPOSAL OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE OR ANY OTHER ENVIRONMENTAL PROTECTION STATUTE, BY THE APPLICANT, OR, IF THE APPLICANT IS A BUSINESS CONCERN, BY THE BUSINESS CONCERN OR ANY OFFICER, DIRECTOR, PARTNER, OR KEY EMPLOYEE THEREOF. FOR THE PURPOSES OF DIVISION (D)(5) OF THIS SECTION, VIOLATIONS OF ANY LAW OR RULE RELATING TO THE TRANSPORTATION OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE DO NOT INCLUDE VIOLATIONS THAT ALSO APPLY TO THE TRANSPORTATION OF COMMODITIES THAT ARE NOT WASTES.

(6) A LISTING AND EXPLANATION OF ANY JUDGMENT OF LIABILITY OR CONVICTION THAT WAS RENDERED PURSUANT TO ANY STATE OR FEDERAL LAW OR LOCAL ORDINANCE RESULTING IN THE IMPOSITION OF A SANCTION AGAINST THE APPLICANT, OR, IF THE APPLICANT IS A BUSINESS CONCERN, AGAINST THE BUSINESS CONCERN OR ANY OFFICER, DIRECTOR, PARTNER, OR KEY EMPLOYEE THEREOF;

(7) A LISTING OF ANY AGENCY OUTSIDE THIS STATE THAT HAS OR HAS HAD REGULATORY RESPONSIBILITY OVER THE APPLICANT IN CONNECTION WITH ITS COLLECTION, TRANSFER, TRANSPORTATION, TREATMENT, STORAGE, OR DISPOSAL OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE;

(8) ANY OTHER INFORMATION THE ATTORNEY GENERAL OR THE DIRECTOR MAY REQUIRE THAT RELATES TO THE COMPETENCY, RELIABILITY, OR GOOD CHARACTER OF THE APPLICANT.

(E) "KEY EMPLOYEE" MEANS ANY INDIVIDUAL, OTHER THAN A PUBLIC OFFICIAL OR EMPLOYEE AS DEFINED IN DIVISION (B) OF SECTION 102.01 OF THE REVISED CODE WHO IS REQUIRED TO FILE A STATEMENT UNDER SECTION 102.02 OF THE REVISED CODE, EMPLOYED BY THE APPLICANT OR THE LICENSEE IN A SUPERVISORY CAPACITY OR EMPowered TO MAKE DISCRETIONARY DECISIONS WITH RESPECT TO THE SOLID WASTE, INFECTIOUS WASTE, OR HAZARDOUS WASTE OPERATIONS OF THE BUSINESS CONCERN, BUT DOES NOT INCLUDE ANY EMPLOYEE EXCLUSIVELY ENGAGED IN THE PHYSICAL OR MECHANICAL COLLECTION, TRANSFER, TRANSPORTATION, TREATMENT, STORAGE, OR

**DISPOSAL OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE. IF THE APPLICANT OR PERMITTEE HAS ENTERED INTO A CONTRACT WITH ANOTHER PERSON TO OPERATE THE FACILITY THAT IS THE SUBJECT OF THE PERMIT OR LICENSE OR APPLICATION FOR A PERMIT OR LICENSE, "KEY EMPLOYEE" ALSO INCLUDES THOSE EMPLOYEES OF THE CONTRACTOR WHO ACT IN A SUPERVISORY CAPACITY, OR ARE EMPOWERED TO MAKE DISCRETIONARY DECISIONS, WITH RESPECT TO THE OPERATION OF THE SOLID OR HAZARDOUS WASTE FACILITY.**

**(F) "LICENSE" MEANS THE ANNUAL LICENSE REQUIRED BY SECTION 3734.05 OF THE REVISED CODE FOR AN OFF-SITE SOLID WASTE DISPOSAL OR TRANSFER FACILITY OR AN OFF-SITE INFECTIOUS WASTE TREATMENT FACILITY.**

**(G) "OFF-SITE FACILITY" MEANS A FACILITY THAT IS LOCATED OFF THE PREMISES WHERE THE SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE IS GENERATED, BUT DOES NOT INCLUDE ANY SUCH FACILITY THAT EXCLUSIVELY DISPOSES OF WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH GARBAGE OR THAT IS OWNED AND OPERATED BY THE GENERATOR OF THE WASTE AND THAT EXCLUSIVELY DISPOSES OF OR TRANSFERS SOLID WASTES, EXCLUSIVELY TREATS INFECTIOUS WASTES, OR EXCLUSIVELY DISPOSES OF HAZARDOUS WASTE, GENERATED AT ONE OR MORE PREMISES OWNED BY THE GENERATOR.**

**(H) "PERMIT" MEANS A PERMIT TO INSTALL AND ANY SUBSEQUENT MODIFICATIONS OR RENEWALS FOR AN OFF-SITE SOLID WASTE DISPOSAL FACILITY, INCLUDING AN INCINERATION FACILITY, OR TRANSFER FACILITY, A PERMIT TO INSTALL AND ANY SUBSEQUENT MODIFICATIONS OR RENEWALS FOR AN OFF-SITE INFECTIOUS WASTE TREATMENT FACILITY, AND A PERMIT TO INSTALL AND OPERATE AN OFF-SITE HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITY AND THE MODIFICATION OR RENEWAL OF A HAZARDOUS WASTE PERMIT FOR THE TREATMENT, STORAGE, OR DISPOSAL OF HAZARDOUS WASTE ISSUED UNDER SECTION 3734.05 OF THE REVISED CODE.**

**(I) "PERMITTEE" MEANS ANY PERSON WHO HAS RECEIVED A PERMIT OR LICENSE FOR AN OFF-SITE FACILITY.**

**Sec. 3734.42. (A)(1) EVERY APPLICANT SHALL FILE A DISCLOSURE STATEMENT, ON A FORM DEVELOPED BY THE ATTORNEY GENERAL, WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND THE ATTORNEY GENERAL AT THE SAME TIME HE FILES HIS APPLICATION FOR A PERMIT WITH THE DIRECTOR.**

**(2) ANY INDIVIDUAL REQUIRED TO BE LISTED IN THE DISCLOSURE STATEMENT SHALL BE FINGERPRINTED FOR**

IDENTIFICATION AND INVESTIGATION PURPOSES IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE ATTORNEY GENERAL.

(3) THE ATTORNEY GENERAL SHALL, WITHIN ONE HUNDRED EIGHTY DAYS AFTER RECEIPT OF THE DISCLOSURE STATEMENT FROM AN APPLICANT FOR A PERMIT, PREPARE AND TRANSMIT TO THE DIRECTOR AN INVESTIGATIVE REPORT ON THE APPLICANT, BASED IN PART UPON THE DISCLOSURE STATEMENT, EXCEPT THAT THIS DEADLINE MAY BE EXTENDED FOR A REASONABLE PERIOD OF TIME, FOR GOOD CAUSE, BY THE DIRECTOR OR THE ATTORNEY GENERAL. IN PREPARING THIS REPORT, THE ATTORNEY GENERAL MAY REQUEST AND RECEIVE CRIMINAL HISTORY INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND ANY OTHER LAW ENFORCEMENT AGENCY OR ORGANIZATION. THE ATTORNEY GENERAL MAY PROVIDE SUCH CONFIDENTIALITY REGARDING THE INFORMATION RECEIVED FROM A LAW ENFORCEMENT AGENCY AS MAY BE IMPOSED BY THAT AGENCY AS A CONDITION FOR PROVIDING SUCH INFORMATION TO THE ATTORNEY GENERAL.

(4) THE REVIEW OF THE APPLICATION BY THE DIRECTOR OR THE HAZARDOUS WASTE FACILITY BOARD SHALL INCLUDE A REVIEW OF THE DISCLOSURE STATEMENT AND INVESTIGATIVE REPORT.

(B) ALL APPLICANTS AND PERMITTEES SHALL PROVIDE ANY ASSISTANCE OR INFORMATION REQUESTED BY THE DIRECTOR OR THE ATTORNEY GENERAL AND SHALL COOPERATE IN ANY INQUIRY OR INVESTIGATION CONDUCTED BY THE ATTORNEY GENERAL AND ANY INQUIRY, INVESTIGATION, OR HEARING CONDUCTED BY THE DIRECTOR OR THE HAZARDOUS WASTE FACILITY BOARD. IF, UPON ISSUANCE OF A FORMAL REQUEST TO ANSWER ANY INQUIRY OR PRODUCE INFORMATION, EVIDENCE, OR TESTIMONY, ANY APPLICANT OR PERMITTEE, ANY OFFICER, DIRECTOR, OR PARTNER OF ANY BUSINESS CONCERN, OR ANY KEY EMPLOYEE OF THE APPLICANT OR PERMITTEE, REFUSES TO COMPLY, THE PERMIT OF THE APPLICANT OR PERMITTEE MAY BE DENIED OR REVOKED BY THE DIRECTOR OR THE BOARD.

(C) THE ATTORNEY GENERAL MAY CHARGE AND COLLECT SUCH FEES FROM APPLICANTS AND PERMITTEES AS ARE NECESSARY TO COVER THE COSTS OF ADMINISTERING AND ENFORCING THE INVESTIGATIVE PROCEDURES AUTHORIZED IN SECTIONS 3734.41 TO 3734.47 OF THE REVISED CODE. THE ATTORNEY GENERAL SHALL TRANSMIT MONEYS COLLECTED UNDER THIS DIVISION TO THE TREASURER OF STATE TO BE CREDITED TO THE SOLID AND HAZARDOUS WASTE BACKGROUND INVESTIGATIONS FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEYS IN

THE FUND SHALL BE USED SOLELY FOR PAYING THE ATTORNEY GENERAL'S COSTS OF ADMINISTERING AND ENFORCING THE INVESTIGATIVE PROCEDURES AUTHORIZED IN SECTIONS 3734.41 TO 3734.47 OF THE REVISED CODE.

(D) IF ANY OF THE INFORMATION REQUIRED TO BE INCLUDED IN THE DISCLOSURE STATEMENT CHANGES, OR IF ANY ADDITIONAL INFORMATION SHOULD BE ADDED AFTER THE FILING OF THE STATEMENT, THE APPLICANT OR PERMITTEE SHALL PROVIDE THAT INFORMATION TO THE DIRECTOR AND ATTORNEY GENERAL, IN WRITING, WITHIN THIRTY DAYS AFTER THE CHANGE OR ADDITION. THE FAILURE TO PROVIDE SUCH INFORMATION WITHIN THIRTY DAYS MAY CONSTITUTE THE BASIS FOR THE REVOCATION OR DENIAL OF RENEWAL OF ANY PERMIT OR LICENSE ISSUED IN ACCORDANCE WITH THIS CHAPTER, PROVIDED THAT PRIOR TO ANY SUCH DENIAL OR REVOCATION, THE DIRECTOR SHALL NOTIFY THE APPLICANT OR PERMITTEE OF THE DIRECTOR'S INTENTION TO DO SO AND GIVE THE APPLICANT OR PERMITTEE FOURTEEN DAYS FROM THE DATE OF THE NOTICE TO EXPLAIN WHY THE INFORMATION WAS NOT PROVIDED WITHIN THE REQUIRED THIRTY-DAY PERIOD. THE DIRECTOR SHALL CONSIDER THIS INFORMATION WHEN DETERMINING WHETHER TO REVOKE OR DENY THE PERMIT OR LICENSE.

(E) EVERY PERMITTEE WHO IS NOT OTHERWISE REQUIRED TO FILE A DISCLOSURE STATEMENT SHALL FILE A DISCLOSURE STATEMENT WITHIN FIVE YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION PURSUANT TO A SCHEDULE FOR SUBMISSIONS OF DISCLOSURE STATEMENTS DEVELOPED BY THE ATTORNEY GENERAL. THE SCHEDULE SHALL PROVIDE ALL PERMITTEES AND HOLDERS OF A LICENSE WITH AT LEAST ONE HUNDRED EIGHTY DAYS NOTICE PRIOR TO THE DATE UPON WHICH THE STATEMENT MUST BE SUBMITTED. ALL OTHER TERMS OF THE SCHEDULE SHALL BE ESTABLISHED AT THE DISCRETION OF THE ATTORNEY GENERAL, WHICH SHALL NOT BE SUBJECT TO JUDICIAL REVIEW.

WHEN A PERMITTEE SUBMITS A DISCLOSURE STATEMENT AT THE TIME IT SUBMITS AN APPLICATION FOR A RENEWAL OR MODIFICATION OF ITS PERMIT, THE ATTORNEY GENERAL SHALL REMOVE THE PERMITTEE FROM THE SUBMISSION SCHEDULE ESTABLISHED PURSUANT TO THIS SECTION.

AFTER RECEIVING A DISCLOSURE STATEMENT, THE ATTORNEY GENERAL SHALL PREPARE AN INVESTIGATIVE REPORT AND TRANSMIT IT TO THE DIRECTOR. THE DIRECTOR SHALL REVIEW THE DISCLOSURE STATEMENT AND INVESTIGATIVE REPORT TO DETERMINE WHETHER THE STATEMENT OR REPORT CONTAINS INFORMATION THAT IF

SUBMITTED WITH A PERMIT APPLICATION WOULD REQUIRE A DENIAL OF THE PERMIT PURSUANT TO SECTION 3734.44 OF THE REVISED CODE. IF THE DIRECTOR DETERMINES THAT THE STATEMENT OR REPORT CONTAINS SUCH INFORMATION, HE MAY REVOKE ANY PREVIOUSLY ISSUED PERMIT PURSUANT TO SECTION 3734.45 OF THE REVISED CODE, OR HE SHALL DENY ANY APPLICATION FOR A RENEWAL OF A PERMIT OR LICENSE. WHEN THE RENEWAL OF THE LICENSE IS BEING PERFORMED BY A BOARD OF HEALTH, THE DIRECTOR SHALL INSTRUCT THE BOARD OF HEALTH ABOUT THOSE CIRCUMSTANCES UNDER WHICH THE RENEWAL IS REQUIRED TO BE DENIED BY THIS SECTION.

(F)(1) WHENEVER THERE IS A CHANGE IN OWNERSHIP OF ANY OFF-SITE SOLID WASTE FACILITY, INCLUDING INCINERATORS, ANY TRANSFER FACILITY, ANY OFF-SITE INFECTIOUS WASTE TREATMENT FACILITY, OR ANY OFF-SITE HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITY, THE PROSPECTIVE OWNER SHALL FILE A DISCLOSURE STATEMENT WITH THE ATTORNEY GENERAL AND THE DIRECTOR AT LEAST ONE HUNDRED EIGHTY DAYS PRIOR TO THE PROPOSED CHANGE IN OWNERSHIP. UPON RECEIPT OF THE DISCLOSURE STATEMENT, THE ATTORNEY GENERAL SHALL PREPARE AN INVESTIGATIVE REPORT AND TRANSMIT IT TO THE DIRECTOR. THE DIRECTOR SHALL REVIEW THE DISCLOSURE STATEMENT AND INVESTIGATIVE REPORT TO DETERMINE WHETHER THE STATEMENT OR REPORT CONTAINS INFORMATION THAT IF SUBMITTED WITH A PERMIT APPLICATION WOULD REQUIRE A DENIAL OF THE PERMIT PURSUANT TO SECTION 3734.44 OF THE REVISED CODE. IF THE DIRECTOR DETERMINES THAT THE STATEMENT OR REPORT CONTAINS SUCH INFORMATION, HE SHALL DISAPPROVE THE CHANGE IN OWNERSHIP.

(2) IF THE PARTIES TO A CHANGE IN OWNERSHIP DECIDE TO PROCEED WITH THE CHANGE PRIOR TO THE ACTION OF THE DIRECTOR ON THE DISCLOSURE STATEMENT AND INVESTIGATIVE REPORT, THE PARTIES SHALL INCLUDE IN ALL CONTRACTS OR OTHER DOCUMENTS REFLECTING THE CHANGE IN OWNERSHIP LANGUAGE EXPRESSLY MAKING THE CHANGE IN OWNERSHIP SUBJECT TO THE APPROVAL OF THE DIRECTOR AND EXPRESSLY NEGATING THE CHANGE IF IT IS DISAPPROVED BY THE DIRECTOR PURSUANT TO DIVISION (F)(1) OF THIS SECTION.

(3) AS USED IN THIS SECTION, "CHANGE IN OWNERSHIP" INCLUDES ANY CHANGE IN THE NAMES, OTHER THAN THOSE OF OFFICERS, DIRECTORS, PARTNERS, OR KEY EMPLOYEES, CONTAINED IN THE DISCLOSURE STATEMENT.

Sec. 3734.43. (A) AS USED IN THIS SECTION, "DOCUMENTARY MATERIAL" MEANS THE ORIGINAL OR ANY COPY OF

ANY WRITINGS, DRAWINGS, GRAPHS, CHARTS, PHOTOGRAPHS, PHONORECORDS, AND OTHER DATA COMPILATION FROM WHICH INTELLIGENCE, RELEVANT TO ANY INVESTIGATION CONDUCTED TO DETERMINE IF ANY PERSON IS OR HAS BEEN ENGAGED IN A VIOLATION OF THIS CHAPTER, MAY BE PERCEIVED WITH OR WITHOUT THE USE OF DETECTION DEVICES.

(B) WHENEVER THE ATTORNEY GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT ANY INDIVIDUAL OR BUSINESS CONCERN MAY BE IN POSSESSION, CUSTODY, OR CONTROL OF ANY DOCUMENTARY MATERIAL OR MAY HAVE KNOWLEDGE OF ANY FACT RELEVANT TO ANY INVESTIGATION OF AN APPLICANT OR PERMITTEE AUTHORIZED IN SECTIONS 3734.41 TO 3734.47 OF THE REVISED CODE, THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVE MAY ISSUE IN WRITING AND CAUSE TO BE SERVED UPON ANY INDIVIDUAL OR BUSINESS CONCERN OR THE REPRESENTATIVE OR AGENT OF THE INDIVIDUAL OR BUSINESS CONCERN AN INVESTIGATIVE DEMAND REQUIRING THE INDIVIDUAL OR BUSINESS CONCERN TO PRODUCE THE DOCUMENTARY MATERIAL FOR INSPECTION AND COPYING OR REPRODUCTION, TO ANSWER UNDER OATH AND IN WRITING WRITTEN INTERROGATORIES, OR TO APPEAR AND TESTIFY UNDER OATH BEFORE THE ATTORNEY GENERAL OR HIS DULY AUTHORIZED REPRESENTATIVE, OR REQUIRING THE INDIVIDUAL OR BUSINESS CONCERN TO DO ANY COMBINATION OF THESE THREE DEMANDS.

(C) EACH INVESTIGATIVE DEMAND SHALL:

(1) DESCRIBE THE CONDUCT UNDER INVESTIGATION AND STATE THE PROVISIONS OF LAW APPLICABLE THERETO;

(2) IF IT IS A DEMAND FOR PRODUCTION OF DOCUMENTARY MATERIAL:

(a) DESCRIBE WITH REASONABLE PARTICULARITY THE DOCUMENTARY MATERIAL TO BE PRODUCED;

(b) PRESCRIBE A RETURN DATE THAT WILL PROVIDE A REASONABLE PERIOD OF TIME WITHIN WHICH THE MATERIAL MAY BE ASSEMBLED AND MADE AVAILABLE FOR INSPECTION AND COPYING OR REPRODUCTION;

(c) IDENTIFY THE CUSTODIAN TO WHOM THE MATERIAL SHALL BE MADE AVAILABLE AND THE LOCATION AT WHICH THE MATERIAL IS TO BE PRODUCED.

(3) IF IT IS A DEMAND FOR ANSWERS TO WRITTEN INTERROGATORIES:

(a) IDENTIFY THE REPRESENTATIVE OF THE ATTORNEY GENERAL TO WHOM SUCH ANSWERS SHALL BE MADE;

(b) PRESCRIBE A DATE BY WHICH THE ANSWERS SHALL BE PRESENTED.

(4) IF IT IS A DEMAND FOR THE GIVING OF ORAL TESTIMONY:

(a) PRESCRIBE A DATE, TIME, AND PLACE AT WHICH ORAL TESTIMONY WILL BE TAKEN;

(b) IDENTIFY THE REPRESENTATIVE OF THE ATTORNEY GENERAL WHO WILL CONDUCT THE ORAL EXAMINATION.

(D) NO INVESTIGATIVE DEMAND SHALL:

(1) CONTAIN ANY REQUIREMENT THAT WOULD BE UNREASONABLE IF CONTAINED IN A SUBPOENA OR SUBPOENA DUCES TECUM ISSUED BY A COURT IN AID OF A GRAND JURY INVESTIGATION;

(2) EXCEPT AS PROVIDED IN DIVISION (H) OF THIS SECTION, REQUIRE ANY ANSWERS TO WRITTEN INTERROGATORIES, THE GIVING OF ANY ORAL TESTIMONY, OR THE PRODUCTION OF ANY DOCUMENTARY MATERIAL THAT WOULD BE PRIVILEGED FROM DISCLOSURE IF DEMANDED BY A SUBPOENA OR SUBPOENA DUCES TECUM ISSUED BY A COURT IN AID OF A GRAND JURY INVESTIGATION.

(E) SERVICE OF ANY INVESTIGATIVE DEMAND MAY BE MADE AND IS COMPLETE BY EITHER OF THE FOLLOWING:

(1) MAILING A COPY OF THE DEMAND BY CERTIFIED MAIL ADDRESSED TO THE INDIVIDUAL OR BUSINESS CONCERN TO BE SERVED AT HIS OR ITS PRINCIPAL OFFICE, PLACE OF BUSINESS, OR RESIDENCE;

(2) DELIVERING A COPY OF THE DEMAND TO THE INDIVIDUAL OR BUSINESS CONCERN OR THE REPRESENTATIVE OR AGENT OF THE INDIVIDUAL OR BUSINESS CONCERN.

(F) ANY INDIVIDUAL OR BUSINESS CONCERN SERVED WITH A DEMAND UNDER THIS SECTION MAY BE REPRESENTED BY COUNSEL AT THE TAKING OF THAT INDIVIDUAL'S OR BUSINESS CONCERN'S TESTIMONY.

(G) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE TAKING OF ORAL TESTIMONY, ANSWERING OF WRITTEN INTERROGATORIES, AND PRODUCTION OF DOCUMENTARY MATERIAL UNDER THIS SECTION SHALL IN ALL RESPECTS FOLLOW THE PROCEDURES ESTABLISHED BY THE DISCOVERY PROVISIONS OF THE RULES OF CIVIL PROCEDURE.

(H)(1) WHENEVER AN INDIVIDUAL OR BUSINESS CONCERN SERVED WITH A DEMAND UNDER THIS SECTION REFUSES ON THE BASIS OF THE INDIVIDUAL'S PRIVILEGE AGAINST SELF-INCRIMINATION TO PROVIDE ANY ORAL TESTIMONY, TO ANSWER ANY WRITTEN INTERROGATORIES, OR TO PRODUCE ANY DOCUMENTARY MATERIAL, THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVE MAY FILE A WRITTEN REQUEST WITH A COURT OF COMMON PLEAS, AND THE COURT, UNLESS IT FINDS THAT TO DO SO WOULD NOT FURTHER THE ADMINISTRATION OF JUSTICE, SHALL COMPEL THAT INDIVIDUAL TO PROVIDE THE ORAL TESTIMONY, TO ANSWER THE WRITTEN INTERROGATORIES.

OR TO PRODUCE THE DOCUMENTARY MATERIAL IF ALL OF THE FOLLOWING APPLY:

(a) THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVE MAKES A WRITTEN REQUEST TO THE COURT OF COMMON PLEAS TO ORDER THE INDIVIDUAL TO PROVIDE ORAL TESTIMONY, TO ANSWER WRITTEN INTERROGATORIES, OR PRODUCE DOCUMENTARY MATERIAL, NOTWITHSTANDING HIS CLAIM OF PRIVILEGE;

(b) THE WRITTEN REQUEST IS MADE TO A COURT OF COMMON PLEAS IN THE COUNTY IN WHICH THE INDIVIDUAL RESIDES, TRANSACTS BUSINESS, OR IS OTHERWISE FOUND, EXCEPT THAT IF THE INDIVIDUAL TRANSACTS BUSINESS IN MORE THAN ONE COUNTY, THE REQUEST SHALL BE MADE IN THE COUNTY IN WHICH THE INDIVIDUAL MAINTAINS HIS PRINCIPAL PLACE OF BUSINESS;

(c) THE COURT OF COMMON PLEAS INFORMS THE INDIVIDUAL THAT BY PROVIDING ORAL TESTIMONY, ANSWERING WRITTEN INTERROGATORIES, OR PRODUCING DOCUMENTARY MATERIAL HE WILL RECEIVE IMMUNITY UNDER DIVISION (H)(2) OF THIS SECTION.

(2) IF, BUT FOR DIVISION (H) OF THIS SECTION, THE INDIVIDUAL WOULD HAVE BEEN PRIVILEGED TO WITHHOLD ANY ORAL TESTIMONY, ANSWERS TO WRITTEN INTERROGATORIES, OR DOCUMENTARY MATERIAL GIVEN IN THESE PROCEEDINGS AND HE COMPLIES WITH AN ORDER UNDER DIVISION (H)(1) OF THIS SECTION COMPELLING HIM TO PROVIDE TESTIMONY, ANSWERS, OR MATERIAL, THAT ANSWER, TESTIMONY, OR EVIDENCE OR ANY EVIDENCE DIRECTLY OR INDIRECTLY DERIVED THEREFROM MAY NOT BE USED AGAINST HIM IN ANY PROSECUTION FOR A CRIME OR OFFENSE CONCERNING WHICH HE GAVE THE ANSWER, TESTIFIED, OR PRODUCED EVIDENCE IF THE ANSWER, TESTIMONY, OR EVIDENCE IS RESPONSIVE TO THE QUESTION PROPOUNDED.

(3) AN INDIVIDUAL GRANTED IMMUNITY UNDER DIVISION (H) OF THIS SECTION MAY BE SUBJECTED TO A CRIMINAL PENALTY FOR ANY VIOLATION OF SECTION 2921.11, 2921.12, OR 2921.13 OF THE REVISED CODE, OR FOR CONTEMPT COMMITTED IN PROVIDING ORAL TESTIMONY, ANSWERS TO WRITTEN INTERROGATORIES, OR DOCUMENTARY MATERIAL IN COMPLIANCE WITH THE ORDER.

(I) WITHIN TWENTY DAYS AFTER SERVICE OF AN INVESTIGATIVE DEMAND UPON ANY INDIVIDUAL OR BUSINESS CONCERN UNDER THIS SECTION OR AT ANY TIME BEFORE THE COMPLIANCE DATE SPECIFIED IN THE DEMAND, WHICHEVER PERIOD IS SHORTER, THE INDIVIDUAL OR BUSINESS CONCERN MAY FILE IN THE COURT OF COMMON PLEAS IN THE COUNTY IN WHICH HE RESIDES, TRANSACTS BUSINESS, OR IS OTHERWISE FOUND, AND SERVE UPON THE AT-

TORNEY GENERAL, A REQUEST FOR AN ORDER OF THE COURT MODIFYING OR SETTING ASIDE THE DEMAND, EXCEPT THAT IF THE INDIVIDUAL OR BUSINESS CONCERN TRANSACTS BUSINESS IN MORE THAN ONE COUNTY, THE REQUEST SHALL BE FILED IN THE COUNTY IN WHICH THE INDIVIDUAL OR BUSINESS CONCERN MAINTAINS HIS PRINCIPAL PLACE OF BUSINESS OR IN ANY OTHER COUNTY THAT MAY BE AGREED UPON BY THE INDIVIDUAL OR BUSINESS CONCERN AND THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVE. IF THE COURT FINDS THAT THE NON-COMPLIANCE WAS IN BAD FAITH OR FOR THE PURPOSE OF DELAY, IT MAY ORDER THE INDIVIDUAL OR BUSINESS CONCERN TO PAY TO THE ATTORNEY GENERAL THE REASONABLE EXPENSES INCURRED IN DEFENDING THE INVESTIGATIVE DEMAND, INCLUDING ATTORNEYS' FEES, AND MAY INVOKE THE SANCTIONS PROVIDED BY CIVIL RULE 37.

(J) NO INDIVIDUAL OR BUSINESS CONCERN SHALL, WITH INTENT TO AVOID, EVADE, PREVENT, OR OBSTRUCT COMPLIANCE IN WHOLE OR IN PART BY ANY INDIVIDUAL OR BUSINESS CONCERN WITH ANY INVESTIGATIVE DEMAND MADE UNDER THIS SECTION, REMOVE FROM ANY PLACE, CONCEAL, WITHHOLD, DESTROY, MUTILATE, ALTER, OR BY ANY OTHER MEANS FALSIFY ANY DOCUMENTARY MATERIAL THAT IS THE SUBJECT OF ANY INVESTIGATIVE DEMAND SERVED UPON ANY INDIVIDUAL OR BUSINESS CONCERN.

(K) THE ATTORNEY GENERAL IS RESPONSIBLE FOR THE CUSTODY, USE, AND NECESSARY PRESERVATION OF THE DOCUMENTARY MATERIAL MADE AVAILABLE PURSUANT TO A DEMAND AND FOR ITS RETURN AS PROVIDED BY THIS SECTION.

(L) ALL DOCUMENTARY MATERIAL, ANSWERS TO WRITTEN INTERROGATORIES, AND TRANSCRIPTS OF ORAL TESTIMONY THAT ARE PROVIDED PURSUANT TO ANY INVESTIGATIVE DEMAND ARE COMPILED AS IF IN REASONABLE ANTICIPATION OF A CIVIL OR CRIMINAL ACTION OR PROCEEDING AND SHALL BE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE. UNLESS OTHERWISE ORDERED BY A COURT OF COMMON PLEAS, NO SUCH DOCUMENTARY MATERIAL, ANSWERS TO WRITTEN INTERROGATORIES, OR TRANSCRIPTS OF ORAL TESTIMONY SHALL BE AVAILABLE FOR EXAMINATION OR COPYING BY, NOR SHALL THE CONTENTS THEREOF BE DISCLOSED TO, ANY INDIVIDUAL OTHER THAN AN AUTHORIZED REPRESENTATIVE OF THE ATTORNEY GENERAL WITHOUT THE CONSENT OF THE INDIVIDUAL OR BUSINESS CONCERN THAT PROVIDED THE MATERIAL, ANSWERS, OR TESTIMONY, EXCEPT THAT THE DOCUMENTARY MATERIAL, ANSWERS TO WRITTEN INTERROGATORIES, OR ORAL TESTIMONY MAY BE USED IN ANY GRAND JURY INVESTIGATION OR IN THE CONDUCT OF ANY

CASE OR OTHER OFFICIAL PROCEEDING INVOLVING THE ISSUANCE OF A LICENSE OR PERMIT REQUIRED UNDER THIS CHAPTER OR INVOLVING AN ALLEGED VIOLATION OF THIS CHAPTER. MATERIALS COMPILED PURSUANT TO INVESTIGATIVE PROCEDURES UNDER THIS SECTION ARE DISCOVERABLE ONLY TO THE EXTENT AUTHORIZED BY THE RULES OF ANY ADMINISTRATIVE OR JUDICIAL TRIBUNAL IN WHICH ANY PROCEEDING UNDER THIS CHAPTER IS PENDING. NO EMPLOYEE OF THE OFFICE OF THE ATTORNEY GENERAL SHALL PURPOSELY MAKE AVAILABLE FOR EXAMINATION OR COPYING DOCUMENTARY MATERIAL, ANSWERS TO WRITTEN INTERROGATORIES, OR TRANSCRIPTS OF ORAL TESTIMONY PROVIDED PURSUANT TO AN INVESTIGATIVE DEMAND, NOR DISCLOSE THE CONTENTS THEREOF, EXCEPT AS PROVIDED BY THIS SECTION.

(M) WHEN COPIES OF DOCUMENTARY MATERIAL MADE AVAILABLE PURSUANT TO AN INVESTIGATIVE DEMAND ARE NO LONGER REQUIRED FOR USE IN A PENDING PROCEEDING OR, ABSENT ANY PENDING PROCEEDING, ARE NO LONGER REQUIRED IN CONNECTION WITH THE INVESTIGATION FOR WHICH THEY WERE DEMANDED, OR AT THE END OF TWENTY-FOUR MONTHS AFTER THE DATE WHEN THE MATERIAL WAS MADE AVAILABLE, WHICHEVER IS EARLIER, ALL COPIES OF THE MATERIAL SHALL BE RETURNED UNLESS A REQUEST TO EXTEND THE PERIOD BEYOND TWENTY-FOUR MONTHS HAS BEEN FILED IN THE COURT OF COMMON PLEAS IN WHICH A REQUEST FOR AN ORDER COMPELLING COMPLIANCE PURSUANT TO DIVISION (H) OF THIS SECTION COULD BE FILED. THIS DIVISION DOES NOT REQUIRE THE RETURN OF ANY COPIES OF THE DOCUMENTARY MATERIAL THAT HAVE PASSED INTO THE CONTROL OF ANY COURT OR GRANDJURY.

(N) NOTWITHSTANDING ANY PROVISION OF THE REVISED CODE, PUBLIC OFFICERS AND THEIR DEPUTIES, ASSISTANTS, CLERKS, SUBORDINATES, AND EMPLOYEES SHALL RENDER AND FURNISH TO THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVES WHEN SO REQUESTED ALL INFORMATION AND ASSISTANCE IN THEIR POSSESSION OR WITHIN THEIR POWER. THE ATTORNEY GENERAL OR HIS AUTHORIZED REPRESENTATIVES SHALL PROVIDE THE SAME DEGREE OF CONFIDENTIALITY FOR ANY INFORMATION RECEIVED UNDER THIS SECTION AS THE PUBLIC OFFICER OR EMPLOYEE FROM WHOM IT IS OBTAINED IS REQUIRED BY LAW TO PROVIDE WITH RESPECT TO THE INFORMATION.

(O) WHEN ANY REQUEST IS FILED IN ANY COURT OF COMMON PLEAS UNDER THIS SECTION, THE COURT SHALL HAVE JURISDICTION TO HEAR AND DETERMINE THE MATTER PRESENTED. IN ANY PROCEEDING BROUGHT PURSUANT

TO THIS SECTION, UPON A SHOWING BY THE ATTORNEY GENERAL THAT THE INFORMATION SOUGHT IS POTENTIALLY RELEVANT TO AN INVESTIGATION AUTHORIZED HEREIN, THE COURT SHALL ORDER THE INDIVIDUAL OR BUSINESS CONCERN TO PROVIDE THE INFORMATION REQUESTED BY THE ATTORNEY GENERAL.

(P) NOTHING IN THIS SECTION IMPAIRS THE AUTHORITY OF THE ATTORNEY GENERAL TO FILE ANY COMPLAINT ALLEGING A VIOLATION OF THIS CHAPTER THAT IS NOT DESCRIBED IN THE DEMAND, NOR PREVENTS THE USE OF ANY EVIDENCE OBTAINED THROUGH THIS SECTION OR OTHERWISE IN SUCH AN ACTION.

(Q) NOTHING IN THIS SECTION IMPAIRS THE AUTHORITY OF THE ATTORNEY GENERAL OR HIS REPRESENTATIVES TO LAY BEFORE ANY GRAND JURY IMPANELED IN THIS STATE ANY EVIDENCE OBTAINED THROUGH THIS SECTION OR OTHERWISE CONCERNING ANY ALLEGED VIOLATION OF THIS CHAPTER, TO INVOKE THE POWER OF THE COURTS TO COMPEL THE PRODUCTION OF ANY EVIDENCE BEFORE ANY SUCH GRAND JURY, TO INSTITUTE ANY PROCEEDING FOR THE ENFORCEMENT OF ANY ORDER OR PROCESS ISSUED IN EXECUTION OF SUCH POWER, OR TO PUNISH DISOBEDIENCE OF ANY SUCH ORDER OR PROCESS BY ANY PERSON.

(R) ANY JUDICIAL PROCEEDING TO CHALLENGE OR ENFORCE AN INVESTIGATIVE DEMAND MADE BY THE ATTORNEY GENERAL AGAINST AN INDIVIDUAL OR BUSINESS CONCERN WHO NEITHER RESIDES IN NOR TRANSACTS BUSINESS IN THIS STATE SHALL BE INITIATED IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY.

Sec. 3734.44. THE PROVISIONS OF ANY LAW TO THE CONTRARY NOTWITHSTANDING, NO PERMIT OR LICENSE SHALL BE ISSUED OR RENEWED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION, THE HAZARDOUS WASTE FACILITY BOARD, OR A BOARD OF HEALTH:

(A) UNLESS THE DIRECTOR, THE HAZARDOUS WASTE FACILITY BOARD, OR THE BOARD OF HEALTH FINDS THAT THE APPLICANT, IN ANY PRIOR PERFORMANCE RECORD IN THE TRANSPORTATION, TRANSFER, TREATMENT, STORAGE, OR DISPOSAL OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE, HAS EXHIBITED SUFFICIENT RELIABILITY, EXPERTISE, AND COMPETENCY TO OPERATE THE SOLID WASTE, INFECTIOUS WASTE, OR HAZARDOUS WASTE FACILITY, GIVEN THE POTENTIAL FOR HARM TO HUMAN HEALTH AND THE ENVIRONMENT THAT COULD RESULT FROM THE IRRESPONSIBLE OPERATION THEREOF, OR, IF NO PRIOR RECORD EXISTS, THAT THE APPLICANT IS LIKELY TO EXHIBIT THAT RELIABILITY, EXPERTISE AND COMPETENCE;

(B) IF ANY INDIVIDUAL OR BUSINESS CONCERN REQUIRED TO BE LISTED IN THE DISCLOSURE STATEMENT OR SHOWN TO HAVE A BENEFICIAL INTEREST IN THE BUSINESS OF THE APPLICANT OR THE PERMITTEE, OTHER THAN AN EQUITY INTEREST OR DEBT LIABILITY, BY THE INVESTIGATION THEREOF, HAS BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES UNDER THE LAWS OF THIS STATE OR EQUIVALENT LAWS OF ANY OTHER JURISDICTION:

- (1) MURDER;
- (2) KIDNAPPING;
- (3) GAMBLING;
- (4) ROBBERY;
- (5) BRIBERY;
- (6) EXTORTION;
- (7) CRIMINAL USURY;
- (8) ARSON;
- (9) BURGLARY;
- (10) THEFT AND RELATED CRIMES;
- (11) FORGERY AND FRAUDULENT PRACTICES;
- (12) FRAUD IN THE OFFERING, SALE, OR PURCHASE OF SECURITIES;
- (13) ALTERATION OF MOTOR VEHICLE IDENTIFICATION NUMBERS;
- (14) UNLAWFUL MANUFACTURE, PURCHASE, USE, OR TRANSFER OF FIREARMS;
- (15) UNLAWFUL POSSESSION OR USE OF DESTRUCTIVE DEVICES OR EXPLOSIVES;
- (16) VIOLATION OF SECTIONS 2925.03, 2925.11, 2925.32, OR 2925.37 OR CHAPTER 3719. OF THE REVISED CODE, EXCEPT POSSESSION OF LESS THAN ONE HUNDRED GRAMS OF MARIJUANA, OR UNLESS THE AMOUNT OF MARIJUANA RESIN, OR EXTRACTION OR PREPARATION OF SUCH RESIN, IS LESS THAN FIVE GRAMS, AND THE AMOUNT OF SUCH RESIN IN A LIQUID CONCENTRATE, LIQUID EXTRACT, OR LIQUID DISTILLATE FORM IS LESS THAN ONE GRAM;
- (17) CORRUPT ACTIVITIES UNDER SECTIONS 2923.31 TO 2923.36 OF THE REVISED CODE;
- (18) VIOLATION OF CRIMINAL PROVISIONS OF CHAPTER 1331. OF THE REVISED CODE;
- (19) ANY VIOLATION OF THE CRIMINAL PROVISIONS OF ANY FEDERAL OR STATE ENVIRONMENTAL PROTECTION LAWS, RULES, OR REGULATIONS THAT IS COMMITTED KNOWINGLY OR RECKLESSLY AS THOSE TERMS ARE DEFINED IN SECTION 2901.22 OF THE REVISED CODE;
- (20) VIOLATION OF CHAPTER 2909. OF THE REVISED CODE;
- (21) ANY OFFENSE SPECIFIED IN CHAPTER 2921. OF THE REVISED CODE.

(C) NOTWITHSTANDING DIVISION (B) OF THIS SECTION, NO APPLICANT SHALL BE DENIED THE ISSUANCE OR RE-

NEWAL OF A PERMIT OR LICENSE ON THE BASIS OF A CONVICTION OF ANY INDIVIDUAL OR BUSINESS CONCERN REQUIRED TO BE LISTED IN THE DISCLOSURE STATEMENT OR SHOWN TO HAVE A BENEFICIAL INTEREST IN THE BUSINESS OF THE APPLICANT OR THE PERMITTEE, OTHER THAN AN EQUITY INTEREST OR DEBT LIABILITY, BY THE INVESTIGATION THEREOF FOR ANY OF THE OFFENSES ENUMERATED IN THAT DIVISION AS DISQUALIFICATION CRITERIA IF THAT APPLICANT HAS AFFIRMATIVELY DEMONSTRATED REHABILITATION OF THE INDIVIDUAL OR BUSINESS CONCERN BY A PREPONDERANCE OF THE EVIDENCE. IF ANY SUCH INDIVIDUAL OR BUSINESS CONCERN WAS CONVICTED OF ANY OF THE OFFENSES SO ENUMERATED THAT ARE FELONIES, A PERMIT SHALL BE DENIED UNLESS IN THE CASE OF AN INDIVIDUAL FIVE YEARS HAVE ELAPSED SINCE THE INDIVIDUAL WAS FULLY DISCHARGED FROM IMPRISONMENT, PROBATION, AND PAROLE FOR THE OFFENSE AND THE INDIVIDUAL ALSO HAS AFFIRMATIVELY DEMONSTRATED HIS REHABILITATION BY CLEAR AND CONVINCING EVIDENCE IN DETERMINING WHETHER AN APPLICANT HAS AFFIRMATIVELY DEMONSTRATED REHABILITATION, THE DIRECTOR, THE HAZARDOUS WASTE FACILITY BOARD, OR THE BOARD OF HEALTH SHALL REQUEST A RECOMMENDATION THEREON FROM THE ATTORNEY GENERAL AND SHALL CONSIDER AND BASE THE DETERMINATION ON THE FOLLOWING FACTORS:

- (1) THE NATURE AND RESPONSIBILITIES OF THE POSITION A CONVICTED INDIVIDUAL WOULD HOLD;
- (2) THE NATURE AND SERIOUSNESS OF THE OFFENSE;
- (3) THE CIRCUMSTANCES UNDER WHICH THE OFFENSE OCCURRED;
- (4) THE DATE OF THE OFFENSE;
- (5) THE AGE OF THE INDIVIDUAL WHEN THE OFFENSE WAS COMMITTED;
- (6) WHETHER THE OFFENSE WAS AN ISOLATED OR REPEATED INCIDENT;
- (7) ANY SOCIAL CONDITIONS THAT MAY HAVE CONTRIBUTED TO THE OFFENSE;
- (8) ANY EVIDENCE OF REHABILITATION, INCLUDING GOOD CONDUCT IN PRISON OR IN THE COMMUNITY, COUNSELING OR PSYCHIATRIC TREATMENT RECEIVED, ACQUISITION OF ADDITIONAL ACADEMIC OR VOCATIONAL SCHOOLING, SUCCESSFUL PARTICIPATION IN CORRECTIONAL WORK RELEASE PROGRAMS, OR THE RECOMMENDATION OF PERSONS WHO HAVE OR HAVE HAD THE APPLICANT UNDER THEIR SUPERVISION;
- (9) IN THE INSTANCE OF AN APPLICANT THAT IS A BUSINESS CONCERN, REHABILITATION SHALL BE ESTABLISHED IF THE APPLICANT HAS IMPLEMENTED FORMAL MAN-

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*Richard J. Blount*  
 GOVERNOR

AGEMENT CONTROLS TO MINIMIZE AND PREVENT THE OCCURRENCE OF VIOLATIONS AND ACTIVITIES THAT WILL OR MAY RESULT IN PERMIT OR LICENSE DENIAL OR REVOCATION OR IF THE APPLICANT HAS FORMALIZED SUCH CONTROLS AS A RESULT OF A REVOCATION OR DENIAL OF A PERMIT OR LICENSE. SUCH CONTROLS MAY INCLUDE, WITHOUT LIMITATION, INSTITUTING ENVIRONMENTAL AUDITING PROGRAMS TO HELP ENSURE THE ADEQUACY OF INTERNAL SYSTEMS TO ACHIEVE, MAINTAIN, AND MONITOR COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS AND STANDARDS OR INSTITUTING AN ANTITRUST COMPLIANCE AUDITING PROGRAM TO HELP ENSURE FULL COMPLIANCE WITH APPLICABLE ANTITRUST LAWS. THE BUSINESS CONCERN SHALL PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT THE MANAGEMENT CONTROLS ARE EFFECTIVE IN PREVENTING THE VIOLATIONS THAT ARE THE SUBJECT OF CONCERN.

(D) UNLESS THE DIRECTOR, HAZARDOUS WASTE FACILITY BOARD, OR THE BOARD OF HEALTH FINDS THAT THE APPLICANT HAS A HISTORY OF COMPLIANCE WITH ENVIRONMENTAL LAWS IN THIS STATE AND OTHER JURISDICTIONS AND IS PRESENTLY IN SUBSTANTIAL COMPLIANCE WITH, OR ON A LEGALLY ENFORCEABLE SCHEDULE THAT WILL RESULT IN COMPLIANCE WITH, ENVIRONMENTAL LAWS IN THIS STATE AND OTHER JURISDICTIONS.

(E) WITH RESPECT TO THE APPROVAL OF A PERMIT, IF THE DIRECTOR OR THE HAZARDOUS WASTE FACILITY BOARD DETERMINES THAT CURRENT PROSECUTIONS OR PENDING CHARGES IN ANY JURISDICTION FOR ANY OF THE OFFENSES ENUMERATED IN DIVISION (B) OF THIS SECTION AGAINST ANY INDIVIDUAL OR BUSINESS CONCERN REQUIRED TO BE LISTED IN THE DISCLOSURE STATEMENT OR SHOWN BY THE INVESTIGATION TO HAVE A BENEFICIAL INTEREST IN THE BUSINESS OF THE APPLICANT OTHER THAN AN EQUITY INTEREST OR DEBT LIABILITY ARE OF SUCH MAGNITUDE THAT THEY PREVENT MAKING THE FINDING REQUIRED UNDER DIVISION (A) OF THIS SECTION, PROVIDED THAT AT THE REQUEST OF THE APPLICANT OR THE INDIVIDUAL OR BUSINESS CONCERN CHARGED, THE DIRECTOR, HAZARDOUS WASTE FACILITY BOARD, OR BOARD OF HEALTH SHALL DEFER DECISION UPON THE APPLICATION DURING THE PENDENCY OF THE CHARGE.

Sec. 3734.45. ANY PERMIT OR LICENSE MAY BE REVOKED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION OR BOARD OF HEALTH FOR ANY OF THE FOLLOWING CAUSES, IN ADDITION TO OTHER CAUSES FOR REVOCATION AUTHORIZED BY THIS CHAPTER:

(A) ANY CAUSE THAT WOULD REQUIRE DISQUALIFICATION PURSUANT TO DIVISION (A), (B), (D), OR (E) OF SECTION 3734.44 OF THE REVISED CODE FROM RECEIVING A PERMIT UPON ORIGINAL APPLICATION;

(B) FRAUD, DECEIT, OR MISREPRESENTATION IN SECURING THE PERMIT OR IN THE CONDUCT OF THE PERMITTED OR LICENSED ACTIVITY;

(C) OFFERING, CONFERRING, OR AGREEING TO CONFER ANY BENEFIT TO INDUCE ANY OTHER INDIVIDUAL OR BUSINESS CONCERN TO VIOLATE THE PROVISIONS OF THIS CHAPTER, OF ANY RULE ADOPTED THEREUNDER, OR OF ANY OTHER LAW RELATING TO THE TRANSPORTATION, TRANSFER, TREATMENT, STORAGE, OR DISPOSAL OF SOLID WASTES, INFECTIOUS WASTES, OR HAZARDOUS WASTE;

(D) COERCION OF A CUSTOMER BY VIOLENCE OR ECONOMIC REPRISAL OR THE THREAT THEREOF TO UTILIZE THE SERVICES OF ANY PERMITTEE;

(E) PREVENTING, WITHOUT AUTHORIZATION OF THE DIRECTOR, ANY INDIVIDUAL OR BUSINESS CONCERN FROM TRANSFERRING OR DISPOSING OF SOLID WASTES OR HAZARDOUS WASTE AT A PERMITTED TREATMENT, TRANSFER, STORAGE, OR DISPOSAL FACILITY OTHER THAN A FACILITY OWNED OR OPERATED BY THE APPLICANT OR PERMITTEE, OR PREVENTING, WITHOUT AUTHORIZATION OF THE DIRECTOR, ANY INDIVIDUAL OR BUSINESS CONCERN FROM TREATING INFECTIOUS WASTE AT A LICENSED INFECTIOUS WASTE TREATMENT FACILITY OTHER THAN A FACILITY OWNED AND OPERATED BY THE APPLICANT OR LICENSEE.

Sec. 3734.46. NOTWITHSTANDING THE DISQUALIFICATION OF THE APPLICANT OR PERMITTEE PURSUANT TO THIS CHAPTER, THE DIRECTOR OF ENVIRONMENTAL PROTECTION, HAZARDOUS WASTE FACILITY BOARD, OR BOARD OF HEALTH MAY ISSUE OR RENEW A PERMIT OR LICENSE IF THE APPLICANT OR PERMITTEE SEVERS THE INTEREST OF OR AFFILIATION WITH THE INDIVIDUAL OR BUSINESS CONCERN THAT WOULD OTHERWISE CAUSE THAT DISQUALIFICATION OR MAY ISSUE OR RENEW A LICENSE ON A TEMPORARY BASIS FOR A PERIOD NOT TO EXCEED SIX MONTHS IF THE DIRECTOR OR THE BOARD DETERMINES THAT THE ISSUANCE OR RENEWAL OF THE PERMIT OR LICENSE IS NECESSITATED BY THE PUBLIC INTEREST.

Sec. 3734.47. THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND THE ATTORNEY GENERAL MAY ADOPT, IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE, RULES NECESSARY TO IMPLEMENT THE INVESTIGATIONS AND REVIEW OF APPLICATIONS FOR PERMITS AND LICENSES AS REQUIRED UNDER SECTIONS 3734.40 TO 3734.47 OF THE REVISED CODE.

Sec. 3734.50. THE DIRECTOR OF ENVIRONMENTAL PROTECTION, WITH THE ADVICE OF THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL CREATED IN SECTION 3734.51 OF THE REVISED CODE, SHALL PREPARE A STATE SOLID WASTE MANAGEMENT PLAN TO:

(A) REDUCE RELIANCE ON THE USE OF LANDFILLS FOR MANAGEMENT OF SOLID WASTES;

(B) ESTABLISH OBJECTIVES FOR SOLID WASTE REDUCTION, RECYCLING, REUSE, AND MINIMIZATION AND A SCHEDULE FOR IMPLEMENTING THOSE OBJECTIVES;

(C) ESTABLISH RESTRICTIONS ON THE TYPES OF SOLID WASTES DISPOSED OF BY LANDFILLING FOR WHICH ALTERNATIVE MANAGEMENT METHODS ARE AVAILABLE, SUCH AS YARD WASTES, AND A SCHEDULE FOR IMPLEMENTING THOSE RESTRICTIONS. THE OBJECTIVES UNDER DIVISION (B) OF THIS SECTION AND RESTRICTIONS UNDER THIS DIVISION NEED NOT BE OF UNIFORM APPLICATION THROUGHOUT THE STATE OR AS TO CATEGORIES OF SOLID WASTE GENERATORS. RATHER, IN ESTABLISHING THOSE OBJECTIVES AND RESTRICTIONS, THE DIRECTOR SHALL TAKE INTO CONSIDERATION THE FEASIBILITY OF WASTE REDUCTION, RECYCLING, REUSE, AND MINIMIZATION MEASURES AND LANDFILLING RESTRICTIONS IN URBAN, SUBURBAN, AND RURAL AREAS AND SHALL ALSO TAKE INTO CONSIDERATION THE EXTENT TO WHICH THOSE MEASURES HAVE BEEN IMPLEMENTED BY SPECIFIC CATEGORIES OF SOLID WASTE GENERATORS AND POLITICAL SUBDIVISIONS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(D) ESTABLISH REVISED GENERAL CRITERIA FOR THE LOCATION OF SOLID WASTE FACILITIES;

(E) EXAMINE ALTERNATIVE METHODS FOR DISPOSAL OF FLY ASH AND BOTTOM ASH RESULTING FROM THE BURNING OF MIXED MUNICIPAL SOLID WASTES;

(F) ESTABLISH A STATEWIDE STRATEGY FOR MANAGING WASTE TIRES, WHICH SHALL INCLUDE IDENTIFICATION OF LOCATIONS WITHIN THE STATE THAT QUALIFY AS WASTE TIRE SITES. IN DEVELOPING THE STRATEGY, THE DIRECTOR SHALL EXAMINE THE FEASIBILITY OF RECYCLING OR RECOVERING MATERIALS OR ENERGY FROM WASTE TIRES AND LANDFILLING WASTE TIRES IN ABANDONED COAL STRIP MINES AS WELL AS OTHER METHODS FOR MANAGING WASTE TIRES. IN DEVELOPING THE STRATEGY, WASTE TIRE SITE OPERATORS, TIRE MANUFACTURERS, TIRE DISTRIBUTORS, AND TIRE DEALERS SHALL SUBMIT RECOMMENDATIONS, AND THE DIRECTOR MAY ACCEPT THOSE COMMENTS. PRIOR TO ADOPTION OF THE STATE SOLID WASTE MANAGEMENT PLAN AS PROVIDED IN THIS SECTION, THE DIRECTOR SHALL NOT UNDERTAKE ANY FURTHER ACTION REGARDING WASTE TIRE SITES. BUT SHALL ASK FOR VOLUNTARY AC-

TION FROM EACH OWNER OR OTHER PERSON RESPONSIBLE FOR THE OPERATION OF A WASTE TIRE SITE. UPON ADOPTION OF THE PLAN, THE DIRECTOR SHALL IMMEDIATELY NOTIFY SUCH OWNERS OR PERSONS THAT THE PLAN HAS BEEN ADOPTED.

(G) ESTABLISH A STRATEGY THAT CONTAINS SPECIFIC RECOMMENDATIONS FOR LEGISLATIVE AND ADMINISTRATIVE ACTION TO PROMOTE MARKETS FOR PRODUCTS CONTAINING RECYCLED MATERIALS GENERALLY AND FOR PROMOTING THE USE BY STATE GOVERNMENT OF PRODUCTS CONTAINING RECYCLED MATERIALS;

(H) ESTABLISH A PROGRAM FOR THE PROPER SEPARATION AND DISPOSAL OF HAZARDOUS WASTE GENERATED BY HOUSEHOLDS.

THE DIRECTOR SHALL ADOPT THE STATE SOLID WASTE MANAGEMENT PLAN WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. AFTER COMPLETION OF A DRAFT PLAN, THE DIRECTOR SHALL HOLD A PUBLIC HEARING ON THE DRAFT PLAN AT EACH OF FIVE DIFFERENT LOCATIONS WITHIN THE STATE. AFTER RECEIVING PUBLIC COMMENTS ON THE DRAFT PLAN, THE DIRECTOR MAY MAKE SUCH REVISIONS TO IT AS HE CONSIDERS APPROPRIATE BASED ON THE COMMENTS RECEIVED AND SHALL SUBMIT THE DRAFT PLAN WITH ANY REVISIONS TO THE ADVISORY COUNCIL FOR APPROVAL. IF THE ADVISORY COUNCIL APPROVES THE DRAFT PLAN, THE DIRECTOR SHALL ADOPT IT AS THE STATE SOLID WASTE MANAGEMENT PLAN. IF THE ADVISORY COUNCIL DISAPPROVES THE DRAFT PLAN, THE DIRECTOR, WITH THE ADVICE OF THE ADVISORY COUNCIL, SHALL PREPARE A NEW DRAFT PLAN AND PROCEED IN THE SAME MANNER AS FOR THE INITIAL DRAFT PLAN TO HOLD HEARINGS ON, REVISE, AND SUBMIT THE NEW DRAFT PLAN TO THE ADVISORY COUNCIL FOR APPROVAL, AND ADOPT THE NEW DRAFT PLAN.

NOT LATER THAN ONE YEAR AFTER ADOPTION OF THE PLAN, THE DIRECTOR SHALL ADOPT RULES IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE ESTABLISHING THE OBJECTIVES AND RESTRICTIONS OF THE STATE PLAN, AND SCHEDULES FOR IMPLEMENTING THEM, UNDER DIVISIONS (B) AND (C) OF THIS SECTION AS MANDATORY ELEMENTS OF THE SOLID WASTE MANAGEMENT PLANS OF COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS UNDER DIVISION (A) OF SECTION 3734.53 OF THE REVISED CODE. WITHIN ONE YEAR AFTER ADOPTION OF THE PLAN, THE DIRECTOR SHALL ADOPT RULES IN ACCORDANCE WITH CHAPTER 119. OF THE REVISED CODE, WHICH RULES ARE HEREBY DEEMED TO CONSTITUTE RULES ADOPTED UNDER DIVISION (A) OF SECTION 3734.02 OF THE REVISED CODE, ESTABLISHING REVISED GENERAL LOCATION CRITERIA FOR

SOLID WASTE FACILITIES, OTHER THAN SOLID WASTE TRANSFER FACILITIES, PERFORMANCE STANDARDS FOR WASTE TIRE MONOFILLS BASED UPON THE CRITERIA AND STANDARDS OF THE STATE PLAN UNDER DIVISIONS (D) AND (F) OF THIS SECTION, AND STANDARDS FOR THE DISPOSAL OF FLY ASH AND BOTTOM ASH RESULTING FROM THE BURNING OF MIXED MUNICIPAL SOLID WASTE.

TRIENNIALLY THE DIRECTOR, WITH THE ADVICE OF THE ADVISORY COUNCIL, SHALL CONDUCT A THOROUGH REVIEW OF THE PROGRESS MADE TOWARD ACHIEVING THE GOALS SET FORTH IN DIVISIONS (A) TO (H) OF THIS SECTION. BASED UPON THE FINDINGS OF HIS REVIEW, THE DIRECTOR MAY, IN ACCORDANCE WITH THE PROCEDURES OF THIS SECTION, PREPARE AND ADOPT A REVISED STATE SOLID WASTE MANAGEMENT PLAN. IF THE REVISED PLAN MODIFIES ANY OF THE OBJECTIVES, RESTRICTIONS, OR IMPLEMENTATION SCHEDULES ESTABLISHED UNDER DIVISION (B) OR (C) OF THIS SECTION, THE DIRECTOR SHALL, NOT LATER THAN ONE YEAR AFTER ADOPTION OF THE REVISED PLAN, AMEND THE EXISTING RULES ADOPTED UNDER THIS SECTION IN A MANNER CONSISTENT WITH THOSE REVISIONS.

Sec. 3734.51. THERE IS HEREBY CREATED WITHIN THE ENVIRONMENTAL PROTECTION AGENCY THE SOLID WASTE MANAGEMENT ADVISORY COUNCIL CONSISTING OF THE DIRECTORS OF ENVIRONMENTAL PROTECTION, DEVELOPMENT, AND NATURAL RESOURCES, OR THEIR DESIGNEES, AS MEMBERS EX OFFICIO, ONE MEMBER OF THE SENATE TO BE APPOINTED BY THE PRESIDENT OF THE SENATE, ONE MEMBER OF THE HOUSE OF REPRESENTATIVES TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TWELVE MEMBERS TO BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE. OF THE APPOINTED MEMBERS, ONE SHALL BE AN EMPLOYEE OF A HEALTH DISTRICT WHOSE DUTIES INCLUDE ENFORCEMENT OF THE SOLID WASTE PROVISIONS OF THIS CHAPTER, TWO SHALL REPRESENT THE INTERESTS OF COUNTIES, TWO SHALL REPRESENT THE INTERESTS OF MUNICIPAL CORPORATIONS, TWO SHALL REPRESENT THE INTERESTS OF TOWNSHIPS, ONE SHALL REPRESENT THE INTERESTS OF INDUSTRIAL GENERATORS OF SOLID WASTES, ONE SHALL BE FROM THE PRIVATE RECYCLING INDUSTRY, ONE SHALL BE FROM THE PRIVATE SOLID WASTE MANAGEMENT INDUSTRY, ONE SHALL BE FROM A STATEWIDE ENVIRONMENTAL ADVOCACY ORGANIZATION, AND ONE SHALL REPRESENT THE PUBLIC. WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO THE ADVISORY COUNCIL. OF THOSE INITIAL APPOINTMENTS, SIX

SHALL BE FOR A TERM ENDING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION AND SIX SHALL BE FOR A TERM ENDING TWO YEARS AFTER THAT EFFECTIVE DATE. THEREAFTER, TERMS OF OFFICE SHALL BE FOR TWO YEARS WITH EACH TERM ENDING ON THE SAME DAY OF THE SAME MONTH AS DID THE TERM THAT IT SUCCEEDS. EACH MEMBER SHALL HOLD OFFICE FROM THE DATE OF HIS APPOINTMENT UNTIL THE END OF THE TERM FOR WHICH HE WAS APPOINTED. MEMBERS MAY BE REAPPOINTED. VACANCIES SHALL BE FILLED IN THE MANNER PROVIDED FOR ORIGINAL APPOINTMENTS. ANY MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION OF THE TERM FOR WHICH HIS PREDECESSOR WAS APPOINTED SHALL HOLD OFFICE FOR THE REMAINDER OF THAT TERM. A MEMBER SHALL CONTINUE IN OFFICE SUBSEQUENT TO THE EXPIRATION OF HIS TERM OR UNTIL A PERIOD OF SIXTY DAYS HAS ELAPSED, WHICHEVER OCCURS FIRST.

THE ADVISORY COUNCIL SHALL HOLD AT LEAST FOUR REGULAR QUARTERLY MEETINGS EACH YEAR. SPECIAL MEETINGS MAY BE HELD AT THE BEHEST OF THE CHAIRMAN OR A MAJORITY OF THE MEMBERS. THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL SERVE AS CHAIRMAN OF THE ADVISORY COUNCIL. THE ADVISORY COUNCIL SHALL ANNUALLY SELECT FROM AMONG ITS MEMBERS A VICE-CHAIRMAN AND A SECRETARY TO KEEP A RECORD OF ITS PROCEEDINGS. A MAJORITY VOTE OF THE MEMBERS OF THE ADVISORY COUNCIL IS NECESSARY TO TAKE ACTION ON ANY MATTER.

SERVING AS AN APPOINTED MEMBER OF THE ADVISORY COUNCIL DOES NOT CONSTITUTE HOLDING A PUBLIC OFFICE OR POSITION OF EMPLOYMENT UNDER THE LAWS OF THIS STATE AND DOES NOT CONSTITUTE GROUNDS FOR REMOVAL OF PUBLIC OFFICERS OR EMPLOYEES FROM THEIR OFFICES OR POSITIONS OF EMPLOYMENT. THE GOVERNOR MAY AT ANY TIME REMOVE AN APPOINTED MEMBER OF THE ADVISORY COUNCIL FOR MISFEASANCE, NONFEASANCE, OR MALFEASANCE IN OFFICE.

APPOINTED MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT COMPENSATION FOR ATTENDING COUNCIL MEETINGS. MEMBERS OF THE ADVISORY COUNCIL SHALL BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS MEMBERS OF THE COUNCIL FROM MONEYS APPROPRIATED TO THE ENVIRONMENTAL PROTECTION AGENCY FOR ADMINISTRATION AND ENFORCEMENT OF THE SOLID WASTE PROVISIONS OF THIS CHAPTER.

THE ADVISORY COUNCIL SHALL:

(A) ADVISE AND ASSIST THE DIRECTOR OF ENVIRONMENTAL PROTECTION WITH PREPARATION OF THE

STATE SOLID WASTE MANAGEMENT PLAN AND PERIODIC REVISIONS TO THE PLAN UNDER SECTION 3734.50 OF THE REVISED CODE;

(B) APPROVE OR DISAPPROVE THE DRAFT STATE SOLID WASTE MANAGEMENT PLAN AND PERIODIC REVISIONS PRIOR TO ADOPTION OF THE PLAN UNDER SECTION 3734.50 OF THE REVISED CODE;

(C) ANNUALLY REVIEW IMPLEMENTATION OF THE STATE SOLID WASTE MANAGEMENT PLAN AND THE SOLID WASTE MANAGEMENT PLANS OF COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS APPROVED UNDER DIVISION (E) OF SECTION 3734.55 OF THE REVISED CODE OR ORDERED TO BE IMPLEMENTED UNDER DIVISION (D)(2) OF THAT SECTION OR AMENDMENTS TO THOSE PLANS APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.56 OF THE REVISED CODE, AND REPORT ITS FINDINGS TO THE DIRECTOR.

Sec. 3734.52. (A) IN ORDER TO PREPARE, ADOPT, SUBMIT, AND IMPLEMENT A SOLID WASTE MANAGEMENT PLAN THAT COMPLIES WITH SECTION 3734.55 OF THE REVISED CODE, THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY SHALL EITHER ESTABLISH AND MAINTAIN A SOLID WASTE MANAGEMENT DISTRICT UNDER CHAPTER 343. OF THE REVISED CODE, OR PARTICIPATE IN ESTABLISHING AND MAINTAINING A JOINT SOLID WASTE MANAGEMENT DISTRICT WITH ONE OR MORE OTHER SUCH BOARDS UNDER THAT CHAPTER, IN COMPLIANCE WITH DIVISION (B) OF THIS SECTION. ALL OF THE INCORPORATED AND UNINCORPORATED TERRITORY OF THE COUNTY SHALL BE UNDER THE JURISDICTION OF THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT FOR THE PURPOSES OF PREPARING, ADOPTING, SUBMITTING, AND IMPLEMENTING THE SOLID WASTE MANAGEMENT PLAN FOR THE COUNTY OR JOINT DISTRICT AND FOR THE PURPOSES OF PROVIDING FOR, OR CAUSING TO BE PROVIDED FOR, THE SAFE AND SANITARY MANAGEMENT OF SOLID WASTES WITHIN ALL OF THE INCORPORATED AND UNINCORPORATED TERRITORY OF THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT.

(B) NOT LATER THAN NINE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY SHALL DO ONE OF THE FOLLOWING:

(1) ESTABLISH A COUNTY SOLID WASTE MANAGEMENT DISTRICT UNDER CHAPTER 343. OF THE REVISED CODE;

(2) WITH THE BOARDS OF COUNTY COMMISSIONERS OF ONE OR MORE OTHER COUNTIES, ESTABLISH A JOINT SOLID WASTE MANAGEMENT DISTRICT UNDER THAT CHAPTER. UPON ADOPTION OF THE RESOLUTION ESTABLISHING A

COUNTY DISTRICT, OR UPON ENTERING INTO AN AGREEMENT WITH ONE OR MORE OTHER SUCH BOARDS TO ESTABLISH A JOINT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS SHALL MAIL A COPY OF THE RESOLUTION OR AGREEMENT TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION. EACH COUNTY AND JOINT GARBAGE AND REFUSE DISPOSAL DISTRICT SHALL HAVE A POPULATION OF NOT LESS THAN ONE HUNDRED TWENTY THOUSAND UNLESS AN EXEMPTION HAS BEEN GRANTED UNDER DIVISION (C)(1) OR (2) OF THIS SECTION.

(C)(1) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION OF FEWER THAN ONE HUNDRED TWENTY THOUSAND IN WHICH ONE OR MORE SOLID WASTE FACILITIES ARE LOCATED THAT HAVE SUFFICIENT REMAINING CAPACITY TO DISPOSE OF ALL SOLID WASTES GENERATED WITHIN THE COUNTY, OR THAT HAS ENTERED INTO A FIRM AGREEMENT THAT PROVIDES FOR THE DISPOSAL OF ALL SOLID WASTES GENERATED WITHIN THE COUNTY WHETHER WITHIN OR OUTSIDE THE COUNTY OR STATE, FOR A PERIOD OF NOT LESS THAN TEN YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION MAY APPLY TO THE DIRECTOR FOR AN EXEMPTION FROM THE REQUIREMENT UNDER DIVISION (B) OF THIS SECTION THAT EACH DISTRICT HAVE A POPULATION OF AT LEAST ONE HUNDRED TWENTY THOUSAND. THE EXEMPTION APPLICATION SHALL BE ACCOMPANIED BY THE BOARD'S CERTIFICATION AND DEMONSTRATION OF ACCESS TO SUFFICIENT SOLID WASTE MANAGEMENT FACILITY CAPACITY TO PROVIDE FOR THE DISPOSAL OF THE SOLID WASTES GENERATED IN THE COUNTY DURING THAT TEN-YEAR PERIOD.

IF THE DIRECTOR FINDS THAT THE BOARD HAS MADE THE DEMONSTRATION REQUIRED BY THIS DIVISION, HE SHALL ISSUE AN ORDER UNDER DIVISION (G) OF SECTION 3734.02 OF THE REVISED CODE EXEMPTING THE BOARD FROM THAT REQUIREMENT OF DIVISION (B) OF THIS SECTION.

(2) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION OF LESS THAN ONE HUNDRED TWENTY THOUSAND THAT DOES NOT HAVE SUFFICIENT SOLID WASTE MANAGEMENT FACILITY CAPACITY WITHIN THE COUNTY OR ACCESS TO SUFFICIENT CAPACITY BY CONTRACT TO MAKE THE DEMONSTRATIONS REQUIRED BY DIVISION (C)(1) OF THIS SECTION MAY, NOT LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, SUBMIT TO THE DIRECTOR A STATEMENT OF HOW THE BOARD WILL PROVIDE FOR SUFFICIENT SOLID WASTE FACILITY CAPACITY WITHIN THE COUNTY OR FOR ACCESS TO SUFFICIENT SOLID WASTE MANAGEMENT FACILITY CAPACITY TO DISPOSE OF ALL SOLID WASTES GENERATED WITHIN THE COUNTY DURING THE SUBSEQUENT TEN-YEAR

PERIOD. THE STATEMENT SHALL BE ACCOMPANIED BY A STUDY OF THE FINANCIAL FEASIBILITY OF THE MEASURES PROPOSED IN THE STATEMENT THAT SHALL CONTAIN AN INVENTORY OF ALL EXISTING SOLID WASTE DISPOSAL, TRANSFER, AND RESOURCE RECOVERY FACILITIES AND RECYCLING ACTIVITIES IN THE COUNTY AND ESTIMATES OF THE REMAINING CAPACITY AVAILABLE AT EACH SUCH FACILITY; ESTIMATES OF THE AMOUNTS OF SOLID WASTES THAT WILL BE GENERATED WITHIN THE COUNTY DURING EACH YEAR OF THE SUBSEQUENT TEN-YEAR PERIOD; AN IDENTIFICATION OF THE ADDITIONAL SOLID WASTE MANAGEMENT FACILITIES AND CAPACITY THE COUNTY INTENDS TO PROVIDE TO DISPOSE OF THOSE ESTIMATED AMOUNTS OF SOLID WASTES; AND A SCHEDULE FOR IMPLEMENTATION OF THE MEASURES PROPOSED IN THE STATEMENT AND ESTIMATES OF THE CAPITAL AND OPERATING COSTS, AND RATES THAT WILL BE CHARGED TO MEET THOSE COSTS, FOR THOSE ADDITIONAL FACILITIES, OR CONTRACTS FOR ACCESS TO SOLID WASTE MANAGEMENT FACILITY CAPACITY, IDENTIFIED IN THE STUDY. WITHIN SIXTY DAYS AFTER RECEIVING THE STATEMENT AND FINANCIAL FEASIBILITY STUDY FROM ANY SUCH BOARD OF COUNTY COMMISSIONERS, THE DIRECTOR SHALL APPROVE OR DISAPPROVE THE STATEMENT AND STUDY. THE DIRECTOR SHALL APPROVE SUCH A STATEMENT AND FINANCIAL FEASIBILITY STUDY ONLY IF THEY DEMONSTRATE A TECHNICALLY AND ECONOMICALLY FEASIBLE MEANS OF PROVIDING FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF SOLID WASTES GENERATED IN THE COUNTY DURING THE SUBSEQUENT TEN-YEAR PERIOD. IF THE DIRECTOR APPROVES THE STATEMENT AND FINANCIAL FEASIBILITY STUDY OF A COUNTY, HE SHALL ISSUE AN ORDER UNDER DIVISION (G) OF SECTION 3734.02 OF THE REVISED CODE EXEMPTING THE BOARD FROM THE REQUIREMENT OF DIVISION (B) OF THIS SECTION THAT EACH COUNTY OR JOINT DISTRICT HAVE A POPULATION OF AT LEAST ONE HUNDRED TWENTY THOUSAND.

(D) UPON EXPIRATION OF THE NINE-MONTH PERIOD UNDER DIVISION (B) OF THIS SECTION, THE DIRECTOR SHALL DETERMINE WHICH COUNTIES EITHER FAILED TO SUBMIT A COPY OF THE RESOLUTION OR AGREEMENT REQUIRED BY THAT DIVISION OR, FOR THOSE THAT FILED A RESOLUTION OR AGREEMENT, WHICH OF THEM EITHER FAILED TO ESTABLISH A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT HAVING A POPULATION OF AT LEAST ONE HUNDRED TWENTY THOUSAND OR TO OBTAIN AN EXEMPTION ORDER UNDER DIVISION (CX1) OR (2) OF THIS SECTION. WITHIN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL ISSUE TO THE BOARD OF

COUNTY COMMISSIONERS OF EACH COUNTY HAVING A POPULATION OF AT LEAST ONE HUNDRED TWENTY THOUSAND THAT FAILED TO COMPLY WITH DIVISION (B) OF THIS SECTION OR THAT OBTAINED AN EXEMPTION ORDER UNDER DIVISION (C)(1) OR (2) OF THIS SECTION AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE DIRECTING THE BOARD TO SUBMIT A COPY OF THE RESOLUTION OR AGREEMENT OR TO ESTABLISH A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT WITHIN THIRTY DAYS AFTER ISSUANCE OF THE ORDER AND, UPON ADOPTION OF THE RESOLUTION, TO MAIL A COPY OF IT TO THE DIRECTOR.

WITH RESPECT TO THOSE COUNTIES HAVING A POPULATION OF FEWER THAN ONE HUNDRED TWENTY THOUSAND THAT EITHER FAILED TO COMPLY WITH DIVISION (B) OF THIS SECTION OR THAT SUBMITTED A RESOLUTION OR AGREEMENT FOR ESTABLISHMENT OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT AND FAILED TO OBTAIN AN EXEMPTION UNDER DIVISION (C)(1) OR (2) OF THIS SECTION, THE DIRECTOR SHALL MAKE A DETERMINATION AS TO HOW ONE OR MORE OF THOSE COUNTIES SHOULD BE COMBINED WITH ONE ANOTHER, WITH THE COUNTY SOLID WASTE MANAGEMENT DISTRICT OF A COUNTY THAT COMPLIED WITH DIVISION (B) OF THIS SECTION REGARDLESS OF WHETHER THE COMPLYING COUNTY OBTAINED AN EXEMPTION UNDER DIVISION (C)(1) OR (2) OF THIS SECTION, OR WITH A JOINT DISTRICT FORMED BY COUNTIES THAT COMPLIED WITH DIVISION (B) OF THIS SECTION, TO FORM A JOINT DISTRICT WITH A POPULATION OF AT LEAST ONE HUNDRED TWENTY THOUSAND THAT, IN THE DIRECTOR'S JUDGMENT, WILL BE MOST CONDUCTIVE TO ACHIEVEMENT OF THE OBJECTIVES OF THE STATE SOLID WASTE MANAGEMENT PLAN ADOPTED UNDER SECTION 3734.50 OF THE REVISED CODE AND OF THIS CHAPTER. AFTER MAKING ANY SUCH DETERMINATION, THE DIRECTOR SHALL MAIL NOTICE OF THE DETERMINATION TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY NAMED IN IT. WITHIN THIRTY DAYS AFTER MAILING NOTICE OF THE DETERMINATION, THE DIRECTOR SHALL HOLD A PUBLIC MEETING IN EACH OF THE COUNTIES NAMED IN THE DETERMINATION. THEREAFTER, THE DIRECTOR SHALL ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE TO EACH BOARD OF COUNTY COMMISSIONERS NAMED IN THE DETERMINATION DIRECTING THE BOARDS TO ENTER INTO AN AGREEMENT TO ESTABLISH A JOINT SOLID WASTE MANAGEMENT DISTRICT UNDER CHAPTER 343. OF THE REVISED CODE WITHIN A SPECIFIED REASONABLE PERIOD OF TIME AND TO MAIL A COPY OF THE AGREEMENT TO THE DIRECTOR.

NOTWITHSTANDING SECTION 119.06 OF THE REVISED CODE, THE DIRECTOR MAY ISSUE ORDERS UNDER THIS DIVISION WITHOUT THE NECESSITY FOR HOLDING AN ADJUDICATION HEARING IN CONNECTION WITH THE ORDER AND WITHOUT FIRST ISSUING A PROPOSED ACTION UNDER SECTION 3745.07 OF THE REVISED CODE.

(E) IN ADDITION TO THE REQUIREMENTS UNDER CHAPTER 343. OF THE REVISED CODE, THE FOLLOWING REQUIREMENTS GOVERN THE ESTABLISHMENT OF SOLID WASTE MANAGEMENT DISTRICTS, THE JOINDER OR WITHDRAWAL OF COUNTIES TO OR FROM A JOINT DISTRICT, AND THE UNION OF JOINT DISTRICTS, WHEN ANY OF THE DISTRICTS INVOLVED ARE OPERATING UNDER A SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE:

(1) EACH DISTRICT RESULTING AFTER WITHDRAWAL OF ONE OR MORE COUNTIES FROM A JOINT DISTRICT SHALL HAVE A POPULATION OF AT LEAST ONE HUNDRED TWENTY THOUSAND;

(2) THE ESTABLISHMENT, WITHDRAWAL, JOINDER, OR UNION SHALL NOT BECOME FINAL UNTIL THE INITIAL SOLID WASTE MANAGEMENT PLAN OF EACH NEWLY CREATED DISTRICT IS APPROVED BY THE DIRECTOR UNDER SECTION 3734.55 OF THE REVISED CODE AND THE AMENDED PLAN OF THE REMAINING JOINT DISTRICT, IF ANY, IS APPROVED BY THE DIRECTOR UNDER SECTION 3734.56 OF THE REVISED CODE. THE INITIAL OR AMENDED PLANS OF EACH OF THE RESULTING DISTRICTS SHALL BE SUBMITTED TO THE DIRECTOR AT THE SAME TIME. THE PLANS MAY BE SUBMITTED NOT EARLIER THAN NINETY DAYS BEFORE THE DATE ONE OF THE DISTRICTS INVOLVED IS REQUIRED TO SUBMIT AN AMENDED PLAN UNDER SECTION 3734.56 OF THE REVISED CODE OR NINETY DAYS BEFORE A TRIENNIAL ANNIVERSARY OF THE ISSUANCE OF AN ORDER UNDER DIVISION (D)(2) OF SECTION 3734.55 OF THE REVISED CODE REQUIRING ONE OF THE DISTRICTS INVOLVED TO IMPLEMENT A PLAN PREPARED BY THE DIRECTOR. IF ANY OF THE DISTRICTS INVOLVED WAS OPERATING UNDER A PLAN ORDERED TO BE IMPLEMENTED UNDER DIVISION (D)(2) OF SECTION 3734.55 OF THE REVISED CODE, THE DIRECTOR SHALL ISSUE AN ORDER TO EACH OF THEM IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE REVOKING THE EARLIER ORDERS ISSUED UNDER DIVISIONS (D)(1) AND (2) OF THAT SECTION, UPON APPROVAL OF THE INITIAL OR AMENDED PLAN OF THE DISTRICT UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE.

(3) FOR PURPOSES OF PREPARATION OF THE SOLID WASTE MANAGEMENT PLANS FOR COUNTY AND JOINT DIS-

TRICTS RESULTING FROM ANY SUCH WITHDRAWAL, JOINER, OR UNION OF DISTRICTS, THE SOLID WASTE MANAGEMENT POLICY COMMITTEE FOR EACH OF THE PROPOSED RESULTING DISTRICTS SHALL CONSIST ONLY OF THE ADDITIONAL PUBLIC MEMBER, IF ONE IS REQUIRED TO BE APPOINTED UNDER DIVISION (C) OF SECTION 3734.54 OF THE REVISED CODE, AND THE MEMBERS PRESCRIBED IN DIVISION (B) OF THAT SECTION FROM EACH COUNTY WITHIN THE PROPOSED DISTRICT.

(F) SECTIONS 3734.52 TO 3734.57 AND CHAPTER 343. OF THE REVISED CODE DO NOT PROHIBIT ANY PERSON, MUNICIPAL CORPORATION, OR TOWNSHIP FROM PROVIDING SOLID WASTE COLLECTION SERVICES; ESTABLISHING, ENLARGING, MODIFYING, OR REPLACING A SOLID WASTE FACILITY; OR ESTABLISHING AND COLLECTING RATES OR CHARGES FOR THE USE OF THOSE FACILITIES OR SERVICES THAT ARE IN COMPLIANCE WITH SECTIONS 3734.01 TO 3734.13 OF THE REVISED CODE, RULES ADOPTED UNDER THOSE SECTIONS, THE SOLID WASTE MANAGEMENT PLAN OF THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT HAVING TERRITORIAL JURISDICTION OVER THE FACILITY OR SERVICE AREA APPROVED OR ORDERED UNDER SECTIONS 3734.55 OF THE REVISED CODE, AMENDMENTS TO THE PLAN APPROVED OR ORDERED UNDER SECTION 3734.56 OF THE REVISED CODE, AND RULES ADOPTED UNDER DIVISION (F) OF SECTION 343.01 OF THE REVISED CODE. IN THE INSTANCE OF A SOLID WASTE FACILITY FOR OR ON BEHALF OF WHICH GENERAL OBLIGATION OR REVENUE BONDS WERE ISSUED OR A LOAN WAS MADE UNDER CHAPTER 133., 343., OR 6123. OF THE REVISED CODE ON OR BEFORE THE EFFECTIVE DATE OF THE SOLID WASTE MANAGEMENT PLAN OF THE COUNTY OR JOINT DISTRICT IN WHICH THE FACILITY IS LOCATED, NOTHING IN THIS SECTION, IN CHAPTER 343. OF THE REVISED CODE, OR IN THE PLAN OF THE DISTRICT PROHIBITS OR LIMITS THE CONSTRUCTION, OPERATION, USE, REPAIR, OR MAINTENANCE OF THE FACILITY OR THE ESTABLISHMENT AND COLLECTION OF RATES OR CHARGES FOR USE OF THE FACILITY, REGARDLESS OF WHETHER THE FACILITY COMPLIES WITH THE DISTRICT'S PLAN, UNTIL SUCH TIME AS THE PRINCIPAL OF AND INTEREST ON ANY SUCH BONDS OR LOAN HAVE BEEN PAID IN FULL OR UNTIL THE OWNER ABANDONS THE FACILITY.

THE SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN OF EACH COUNTY OR JOINT DISTRICT SHALL PROVIDE FOR THE MAXIMUM FEASIBLE UTILIZATION OF SOLID WASTE FACILITIES THAT WERE IN OPERATION WITHIN THE DISTRICT, OR FOR WHICH PERMITS WERE ISSUED UNDER SECTION 3734.05 OF THE REVISED CODE, ON OR BEFORE THE EFFECTIVE DATE OF THE PLAN OR AMENDED PLAN AND

THAT ARE IN COMPLIANCE WITH SECTIONS 3734.01 TO 3734.13 OF THE REVISED CODE AND RULES ADOPTED UNDER THOSE SECTIONS. THE PLAN OR AMENDED PLAN SHALL INCORPORATE ALL SOLID WASTE RECYCLING ACTIVITIES THAT WERE IN OPERATION WITHIN THE DISTRICT ON THE EFFECTIVE DATE OF THE PLAN OR AMENDED PLAN.

Sec. 3734.53. (A) THE SOLID WASTE MANAGEMENT PLAN OF ANY COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT SHALL BE PREPARED IN A FORMAT PRESCRIBED BY THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND SHALL PROVIDE FOR COMPLIANCE WITH THE OBJECTIVES OF THE STATE SOLID WASTE MANAGEMENT PLAN AND RULES ADOPTED UNDER SECTION 3734.50 OF THE REVISED CODE. THE PLAN SHALL PROVIDE FOR, DEMONSTRATE, AND CERTIFY THE AVAILABILITY OF AND ACCESS TO SUFFICIENT SOLID WASTE MANAGEMENT FACILITY CAPACITY TO MEET THE SOLID WASTE MANAGEMENT NEEDS OF THE DISTRICT FOR THE TEN-YEAR PERIOD COVERED BY THE PLAN. THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT DISTRICT CREATED IN SECTION 3734.54 OF THE REVISED CODE MAY PREPARE AND SUBMIT A SOLID WASTE MANAGEMENT PLAN THAT COVERS AND MAKES THE REQUIRED DEMONSTRATION FOR A LONGER PERIOD OF TIME.

THE SOLID WASTE MANAGEMENT PLAN SHALL CONTAIN ALL OF THE FOLLOWING:

(1) AN INVENTORY OF THE SOURCES, COMPOSITION, AND QUANTITIES OF SOLID WASTES GENERATED IN THE DISTRICT DURING THE CURRENT YEAR;

(2) AN INVENTORY OF ALL EXISTING FACILITIES WHERE SOLID WASTES ARE BEING DISPOSED OF AND OF RESOURCE RECOVERY FACILITIES AND ALL RECYCLING ACTIVITIES WITHIN THE DISTRICT. THE INVENTORY SHALL IDENTIFY EACH SUCH FACILITY OR ACTIVITY AND, FOR EACH DISPOSAL FACILITY, SHALL ESTIMATE THE REMAINING DISPOSAL CAPACITY AVAILABLE AT THE FACILITY. THE INVENTORY SHALL BE ACCOMPANIED BY A MAP THAT SHOWS THE LOCATION OF EACH SUCH EXISTING FACILITY OR ACTIVITY.

(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, WASTE TIRE DUMP SITES, AND FACILITIES FOR THE DISPOSAL OF FLY ASH, FOUNDRY SAND, AND SLAG WITHIN THE DISTRICT. THE INVENTORY SHALL IDENTIFY EACH SUCH SITE OR FA-

CILITY 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, 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 IDENTIFIED UNDER DIVISION (A)(7) OF THIS SECTION;

(9) AN ANALYSIS AND COMPARISON OF THE CAPITAL AND OPERATING COSTS OF SOLID WASTE DISPOSAL FACILITIES, RESOURCE RECOVERY FACILITIES, AND SOLID WASTE RECYCLING AND REUSE ACTIVITIES NECESSARY TO MEET THE SOLID WASTE MANAGEMENT NEEDS OF THE DISTRICT, PROJECTED IN FIVE AND TEN-YEAR INCREMENTS;

(10) A PROJECTION OF TRANSFER FACILITIES THAT WILL BE NEEDED IN CONJUNCTION WITH EXISTING SOLID WASTE FACILITIES AND THOSE PROJECTED UNDER DIVISION (A)(7) OF THIS SECTION;

(11) SUCH OTHER PROJECTIONS AS THE DISTRICT CONSIDERS NECESSARY OR APPROPRIATE TO ASCERTAIN AND MEET THE SOLID WASTE MANAGEMENT NEEDS OF THE DISTRICT DURING THE PERIOD COVERED BY THE PLAN;

(12) A SCHEDULE FOR IMPLEMENTATION OF THE PLAN THAT, WHEN APPLICABLE, CONTAINS:

(a) A DESIGNATION OF THE SOLID WASTE DISPOSAL, TRANSFER, AND RESOURCE RECOVERY FACILITIES, AND RECYCLING ACTIVITIES CONTAINED IN THE PLAN WHERE SOLID WASTES GENERATED WITHIN OR TRANSPORTED INTO THE DISTRICT WILL BE TAKEN FOR DISPOSAL, TRANSFER, RESOURCE RECOVERY, OR RECYCLING;

(b) A SCHEDULE FOR CLOSURE OF EXISTING SOLID WASTE FACILITIES, EXPANSION OF EXISTING FACILITIES, AND ESTABLISHMENT OF NEW FACILITIES. THE SCHEDULE FOR EXPANSION OF EXISTING FACILITIES OR ESTABLISHMENT OF NEW FACILITIES SHALL INCLUDE, WITHOUT LIMITATION, THE APPROXIMATE DATES FOR FILING APPLICATIONS FOR APPROPRIATE PERMITS TO INSTALL OR MODIFY THOSE FACILITIES UNDER SECTION 3734.05 OF THE REVISED CODE.

(c) A SCHEDULE FOR IMPLEMENTATION OF SOLID WASTE RECYCLING, REUSE, AND REDUCTION PROGRAMS NEEDED TO MEET THE WASTE REDUCTION, RECYCLING, REUSE, AND MINIMIZATION OBJECTIVES OF THE STATE SOLID WASTE MANAGEMENT PLAN AND RULES ADOPTED BY THE DIRECTOR UNDER SECTION 3734.50 OF THE REVISED CODE;

(d) THE METHODS OF FINANCING IMPLEMENTATION OF THE PLAN AND A DEMONSTRATION OF THE AVAILABILITY OF FINANCIAL RESOURCES FOR THAT PURPOSE.

(B) IN ADDITION TO THE INFORMATION, PROJECTIONS, DEMONSTRATIONS, AND CERTIFICATION REQUIRED BY DIVISION (A) OF THIS SECTION, A PLAN SHALL DO ALL OF THE FOLLOWING:

(1) ESTABLISH THE SCHEDULE OF FEES TO BE LEVIED UNDER DIVISIONS (B)(1) TO (3) OF SECTION 3734.57 OF THE REVISED CODE;

(2) CONTAIN PROVISIONS GOVERNING THE ALLOCATION AMONG THE PURPOSES ENUMERATED IN DIVISIONS (EX1) TO (6) OF SECTION 3734.57 OF THE REVISED CODE OF THE MONEYS CREDITED TO THE SPECIAL FUND OF THE DISTRICT UNDER DIVISION (E) OF THAT SECTION THAT ARE AVAILABLE FOR EXPENDITURE BY THE DISTRICT UNDER THAT DIVISION. THE PLAN SHALL DO ALL OF THE FOLLOWING:

(a) ENSURE THAT SUFFICIENT OF THE MONEYS SO CREDITED TO AND AVAILABLE FROM THE SPECIAL FUND ARE AVAILABLE FOR USE BY THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE DISTRICT AT THE TIME THE MONEYS ARE NEEDED TO MONITOR IMPLEMENTATION OF THE PLAN AND CONDUCT ITS PERIODIC REVIEW AND AMENDMENT AS REQUIRED UNDER SECTION 3734.56 OF THE REVISED CODE;

(b) CONTAIN PROVISIONS GOVERNING THE ALLOCATION AND DISTRIBUTION OF MONEYS CREDITED TO AND AVAILABLE FROM THE SPECIAL FUND OF THE DISTRICT TO HEALTH DISTRICTS WITHIN THE COUNTY OR JOINT DISTRICT THAT HAVE APPROVED PROGRAMS UNDER SECTION 3734.08 OF THE REVISED CODE FOR THE PURPOSES OF DIVISION (EX3) OF SECTION 3734.57 OF THE REVISED CODE;

(c) CONTAIN PROVISIONS GOVERNING THE ALLOCATION AND DISTRIBUTION OF MONEYS CREDITED TO AND AVAIL-

ABLE FROM THE 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 (E)(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 (E)(5) OF SECTION 3734.57 OF THE REVISED CODE;

(e) ENSURE THAT ALL MONEYS CREDITED TO AND AVAILABLE FROM THE SPECIAL FUND OF THE DISTRICT ARISING FROM THE FEES LEVIED UNDER DIVISION (B)(3) OF SECTION 3734.57 OF THE REVISED CODE ARE EXPENDED FOR DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM FOR THE INSPECTION OF SOLID WASTES GENERATED OUTSIDE THE BOUNDARIES OF THIS STATE THAT ARE DISPOSED OF AT SOLID WASTE FACILITIES CONTAINED IN THE DISTRICT'S PLAN.

(3) 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 (F) OF SECTION 343.01 OF THE REVISED CODE AFTER APPROVAL OF THE PLAN UNDER SECTION 3734.55 OF THE REVISED CODE:

(1) PROHIBITING OR LIMITING THE RECEIPT AT FACILITIES COVERED BY THE PLAN 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, EXCEPT THAT THE DIRECTOR OF ENVIRONMENTAL PROTECTION MAY ISSUE AN ORDER MODIFYING A RULE ADOPTED UNDER DIVISION (C)(1) OF THIS SECTION TO ALLOW THE DISPOSAL IN THE DISTRICT OF WASTES FROM ANOTHER COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT IF ALL OF THE FOLLOWING APPLY:

(a) THE DISTRICT IN WHICH THE WASTES WERE GENERATED DOES NOT HAVE SUFFICIENT CAPACITY TO DISPOSE OF SOLID WASTES GENERATED WITHIN IT FOR SIX MONTHS FOLLOWING THE DATE OF THE DIRECTOR'S ORDER;

(b) NO NEW SOLID WASTE FACILITIES WILL BEGIN OPERATION DURING THOSE SIX MONTHS IN THE DISTRICT IN WHICH THE WASTES WERE GENERATED AND, DESPITE GOOD FAITH EFFORTS TO DO SO, IT IS IMPOSSIBLE TO SITE NEW

SOLID WASTE FACILITIES WITHIN THE DISTRICT BECAUSE OF ITS HIGH POPULATION DENSITY;

(c) THE DISTRICT IN WHICH THE WASTES WERE GENERATED HAS MADE GOOD FAITH EFFORTS TO NEGOTIATE WITH OTHER DISTRICTS TO INCORPORATE ITS DISPOSAL NEEDS WITHIN THOSE DISTRICTS' SOLID WASTE MANAGEMENT PLANS, INCLUDING EFFORTS TO DEVELOP JOINT FACILITIES AUTHORIZED UNDER SECTION 343.02 OF THE REVISED CODE, AND THE EFFORTS HAVE BEEN UNSUCCESSFUL;

(d) THE DISTRICT IN WHICH THE WASTES WERE GENERATED HAS LOCATED A FACILITY WILLING TO ACCEPT THE DISTRICT'S SOLID WASTES FOR DISPOSAL WITHIN THE RECEIVING DISTRICT;

(e) THE DISTRICT IN WHICH THE WASTES WERE GENERATED HAS DEMONSTRATED TO THE DIRECTOR THAT THE CONDITIONS SPECIFIED IN DIVISIONS (CX1)(a) TO (d) OF THIS SECTION HAVE BEEN MET;

(f) THE DIRECTOR FINDS THAT THE ISSUANCE OF THE ORDER WILL BE CONSISTENT WITH THE STATE SOLID WASTE MANAGEMENT PLAN AND THAT RECEIPT OF THE OUT-OF-DISTRICT WASTES WILL NOT LIMIT THE CAPACITY OF THE RECEIVING DISTRICT TO DISPOSE OF ITS IN-DISTRICT WASTES TO LESS THAN EIGHT YEARS. ANY ORDER ISSUED UNDER DIVISION (CX1) OF THIS SECTION SHALL NOT BECOME FINAL UNTIL THIRTY DAYS AFTER IT HAS BEEN SERVED BY CERTIFIED MAIL UPON THE COUNTRY OR JOINT SOLID WASTE MANAGEMENT DISTRICT THAT WILL RECEIVE THE OUT-OF-DISTRICT WASTES.

(2) GOVERNING THE MAINTENANCE, PROTECTION, AND USE OF SOLID WASTE COLLECTION AND SOLID WASTE DISPOSAL, TRANSFER, RECYCLING, AND RESOURCE RECOVERY FACILITIES WITHIN THE DISTRICT AND REQUIRING THE SUBMISSION OF GENERAL PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION, ENLARGEMENT, OR MODIFICATION OF ANY SUCH FACILITY TO THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT FOR REVIEW AND APPROVAL AS COMPLYING WITH THE PLAN OR AMENDED PLAN OF THE DISTRICT;

(3) GOVERNING DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM FOR THE INSPECTION OF SOLID WASTES GENERATED OUTSIDE THE BOUNDARIES OF THE STATE THAT ARE BEING DISPOSED OF AT SOLID WASTE FACILITIES INCLUDED IN THE DISTRICT'S PLAN;

(4) EXEMPTING THE OWNER OR OPERATOR OF ANY SOLID WASTE FACILITY OR PROPOSED SOLID WASTE FACILITY PROVIDED FOR IN THE PLAN FROM COMPLIANCE WITH ANY AMENDMENT TO A TOWNSHIP ZONING RESOLUTION ADOPTED UNDER SECTION 519.12 OF THE REVISED CODE OR TO A

COUNTY RURAL ZONING RESOLUTION ADOPTED UNDER SECTION 303.12 OF THE REVISED CODE THAT REZONED OR REDISTRICTED THE PARCEL OR PARCELS UPON WHICH THE FACILITY IS TO BE CONSTRUCTED OR MODIFIED AND THAT BECAME EFFECTIVE WITHIN TWO YEARS PRIOR TO THE FILING OF AN APPLICATION FOR A PERMIT REQUIRED UNDER DIVISION (A)(2)(a) OF SECTION 3734.05 OF THE REVISED CODE TO OPEN A NEW OR MODIFY AN EXISTING SOLID WASTE FACILITY.

(D) EXCEPT FOR THE INVENTORIES REQUIRED BY DIVISIONS (A)(1), (2), AND (4) OF THIS SECTION AND THE PROJECTIONS REQUIRED BY DIVISION (A)(6) OF THIS SECTION, NEITHER THIS SECTION NOR THE SOLID WASTE MANAGEMENT PLAN OF A COUNTY OR JOINT DISTRICT APPLIES TO THE CONSTRUCTION, OPERATION, USE, REPAIR, OR MAINTENANCE OF ANY:

(1) 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) FACILITY THAT EXCLUSIVELY DISPOSES OF WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH GARBAGE AT ONE OR MORE PREMISES OWNED BY THE GENERATOR.

Sec. 3734.54. (A) EACH COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICT ESTABLISHED UNDER CHAPTER 343. OF THE REVISED CODE SHALL PREPARE, ADOPT, SUBMIT TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION FOR REVIEW AND APPROVAL, AND IMPLEMENT A SOLID WASTE MANAGEMENT PLAN FOR THE DISTRICT. THE PLAN SHALL BE PREPARED AND SUBMITTED TO THE DIRECTOR IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

(1) WITHIN TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, IN THE INSTANCE OF A COUNTY OR JOINT DISTRICT WITH A POPULATION OF NOT MORE THAN TWO HUNDRED THOUSAND;

(2) WITHIN THIRTY MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, IN THE INSTANCE OF A DISTRICT WITH A POPULATION OF MORE THAN TWO HUNDRED THOUSAND, BUT NOT MORE THAN TWO HUNDRED SEVENTY THOUSAND;

(3) WITHIN FORTY-TWO MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, IN THE INSTANCE OF A DISTRICT WITH A POPULATION OF MORE THAN TWO HUNDRED SEVENTY THOUSAND PERSONS.

THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT DISTRICT MAY REQUEST IN WRITING THAT THE DIRECTOR EXTEND THE APPLICABLE DATE FOR SUBMISSION OF THE DISTRICT'S PLAN UNDER DIVISIONS (A)(1) TO (3) OF THIS SECTION BY NOT MORE THAN SIX MONTHS. THE DIRECTOR MAY GRANT SUCH AN EXTENSION OF THE SUBMISSION DATE IF THE REQUEST DEMONSTRATES TO THE DIRECTOR'S SATISFACTION THAT GRANTING THE EXTENSION WILL NOT ADVERSELY AFFECT THE ABILITY OF THE DISTRICT TO PROVIDE FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF SOLID WASTES GENERATED WITHIN ITS BOUNDARIES DURING THE PERIOD OF THE EXTENSION AND PROVIDES A SPECIFIC SCHEDULE OF ACTIONS LEADING TO THE PREPARATION, ADOPTION, AND SUBMISSION OF THE DISTRICT'S PLAN ON OR BEFORE THE DATE FOR SUBMISSION PROPOSED BY THE REQUEST.

(B) WITHIN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OR THE BOARD OF DIRECTORS OF THE JOINT SOLID WASTE MANAGEMENT DISTRICT, AS APPROPRIATE, SHALL ESTABLISH AND CONVENE A SOLID WASTE MANAGEMENT POLICY COMMITTEE TO PREPARE THE SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT. THE SOLID WASTE MANAGEMENT POLICY COMMITTEE FOR A COUNTY DISTRICT SHALL CONSIST OF THE FOLLOWING MEMBERS:

(1) THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OR HIS DESIGNEE;

(2) THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF THE COUNTY OR HIS DESIGNEE;

(3) A MEMBER REPRESENTING THE TOWNSHIPS WITHIN THE COUNTY CHOSEN BY A MAJORITY OF THE BOARDS OF TOWNSHIP TRUSTEES WITHIN THE COUNTY;

(4) THE HEALTH COMMISSIONER OF THE HEALTH DISTRICT HAVING THE LARGEST TERRITORIAL JURISDICTION WITHIN THE COUNTY OR HIS DESIGNEE;

(5) ONE MEMBER REPRESENTING THE PUBLIC, TO BE APPOINTED BY THE OTHER FOUR MEMBERS OF THE COMMITTEE. THE PUBLIC MEMBER SHALL SERVE FOR A TERM OF TWO YEARS, WITH EACH TERM ENDING ON THE SAME DAY OF THE SAME MONTH OF THE TERM THAT IT SUCCEEDS. THE PUBLIC MEMBER SHALL HOLD OFFICE FROM THE DATE OF HIS APPOINTMENT UNTIL THE END OF THE TERM FOR WHICH HE WAS APPOINTED. A VACANCY IN THE OFFICE OF THE PUBLIC MEMBER SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. A PUBLIC MEMBER APPOINTED TO FILL A VACANCY OCCURRING PRIOR TO THE EXPIRATION DATE OF THE TERM FOR WHICH HIS PREDECESSOR

SOR WAS APPOINTED SHALL HOLD OFFICE FOR THE REMAINDER OF THAT TERM. THE PUBLIC MEMBER SHALL CONTINUE IN OFFICE SUBSEQUENT TO THE EXPIRATION DATE OF HIS TERM UNTIL HIS SUCCESSOR TAKES OFFICE, OR UNTIL A PERIOD OF SIXTY DAYS HAS ELAPSED, WHICHEVER OCCURS FIRST.

(C) THE SOLID WASTE MANAGEMENT POLICY COMMITTEE FOR A JOINT DISTRICT SHALL CONSIST OF THE MEMBERS SPECIFIED IN DIVISIONS (B)(1) TO (4) OF THIS SECTION SELECTED FROM EACH COUNTY WITHIN THE JOINT DISTRICT AND ONE MEMBER REPRESENTING THE PUBLIC FROM EACH COUNTY WITHIN THE JOINT DISTRICT TO BE APPOINTED BY THE OTHER MEMBERS OF THE COMMITTEE FROM THE COUNTY THAT HE REPRESENTS AND WHO SHALL SERVE IN ACCORDANCE WITH DIVISION (B)(5) OF THIS SECTION. IF THERE IS AN EVEN NUMBER OF COUNTIES IN THE JOINT DISTRICT, THE COMMITTEE SHALL INCLUDE ONE ADDITIONAL PUBLIC MEMBER WHO SHALL BE APPOINTED BY ALL THE OTHER MEMBERS OF THE COMMITTEE AND SHALL SERVE IN ACCORDANCE WITH DIVISION (B)(5) OF THIS SECTION. FOR THE PURPOSE OF DETERMINING THE LARGEST MUNICIPAL CORPORATION UNDER THIS DIVISION, ONLY THAT PART OF THE POPULATION OF A MUNICIPAL CORPORATION WITHIN THE BOUNDARIES OF BOTH THE COUNTY AND THE JOINT DISTRICT SHALL BE CONSIDERED.

EXCEPT FOR THE PURPOSES OF CHAPTER 102. OF THE REVISED CODE, SERVING AS A MEMBER OF THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT DOES NOT CONSTITUTE HOLDING A PUBLIC OFFICE OR POSITION OF EMPLOYMENT UNDER THE LAWS OF THIS STATE AND DOES NOT CONSTITUTE GROUNDS FOR REMOVAL OF PUBLIC OFFICERS OR EMPLOYEES FROM THEIR OFFICES OR POSITIONS OF EMPLOYMENT.

(D) IF A BODY EXISTING WITHIN A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT ON THE EFFECTIVE DATE OF THIS SECTION HAS DUTIES AND RESPONSIBILITIES THAT INVOLVE PLANNING FOR SOLID WASTE MANAGEMENT WITHIN THE DISTRICT OR ADVISING THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICT REGARDING THE OPERATION OF THE DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICT MAY, AT ANY TIME BEFORE THE DATE REQUIRED FOR CONVENING A SOLID WASTE MANAGEMENT POLICY COMMITTEE UNDER DIVISION (B) OF THIS SECTION, REQUEST THE DIRECTOR TO ISSUE A WAIVER FROM THE REQUIREMENTS OF DIVISION (B) OR (C) OF THIS SECTION ESTABLISHING THE COMPOSITION OF THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT DISTRICT THAT AUTHO-

RIZES THE EXISTING BODY TO EXERCISE THE DUTIES AND RESPONSIBILITIES OF THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE DISTRICT UNDER SECTIONS 3734.52 TO 3734.57 OF THE REVISED CODE. THE BOARD SHALL REQUEST SUCH A WAIVER BY ADOPTING AND SENDING TO THE DIRECTOR A RESOLUTION REQUESTING THE WAIVER AND SETTING FORTH THE COMPOSITION OF THE EXISTING BODY, INCLUDING, WITHOUT LIMITATION, THE POLITICAL SUBDIVISIONS AND OTHER INTERESTS REPRESENTED ON IT. THE DIRECTOR SHALL APPROVE A REQUEST FOR A WAIVER UNDER THIS DIVISION UNLESS HE CONSIDERS ISSUANCE OF THE WAIVER TO BE INAPPROPRIATE UNDER THE CIRCUMSTANCES.

UPON ISSUANCE OF A WAIVER UNDER THIS DIVISION, THE EXISTING BODY DESCRIBED IN THE RESOLUTION REQUESTING THE WAIVER CONSTITUTES THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE COUNTY OR JOINT DISTRICT FOR THE PURPOSES OF SECTIONS 3734.52 TO 3734.57 OF THE REVISED CODE. AFTER ISSUANCE OF THE WAIVER, THE COMPOSITION OF THE POLITICAL SUBDIVISIONS AND OTHER INTERESTS REPRESENTED ON THE POLICY COMMITTEE SHALL REMAIN THE SAME AS THAT DESCRIBED IN THE RESOLUTION REQUESTING THE WAIVER.

AT ANY TIME AFTER ISSUANCE OF A WAIVER UNDER THIS DIVISION, THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICT, AND THE SOLID WASTE MANAGEMENT POLICY COMMITTEE AUTHORIZED BY THE WAIVER, BY ADOPTION OF A RESOLUTION BY THE BOARD AND THE POLICY COMMITTEE, MAY REQUEST THE DIRECTOR TO VACATE THE WAIVER. AFTER RECEIVING BOTH RESOLUTIONS, THE DIRECTOR SHALL VACATE THE WAIVER AND NOTIFY THE BOARD OF THAT FACT. WITHIN THIRTY DAYS AFTER RECEIVING THE DIRECTOR'S NOTICE, THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICT SHALL CONVENE A SOLID WASTE MANAGEMENT POLICY COMMITTEE FOR THE DISTRICT CONSISTING OF THE MEMBERS PRESCRIBED BY DIVISION (B) OR (C) OF THIS SECTION, AS APPROPRIATE.

(E) THE COMMITTEE SHALL SELECT A CHAIRMAN AND VICE-CHAIRMAN FROM AMONG ITS MEMBERS. THE COMMITTEE MAY RETAIN CONSULTANTS AND MAY REQUEST AND ACCEPT ASSISTANCE AND STAFF SUPPORT FROM PERSONS OR POLITICAL SUBDIVISIONS LOCATED WITHIN THE DISTRICT TO ASSIST IT WITH PREPARATION OF THE PLAN.

SERVING AS A MEMBER OF THE TECHNICAL ADVISORY COUNCIL OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT DOES NOT CONSTITUTE HOLDING A PUBLIC OFFICE OR POSITION OF EMPLOYMENT UNDER THE LAWS OF THIS STATE AND DOES NOT CONSTITUTE GROUNDS

FOR REMOVAL OF PUBLIC OFFICERS OR EMPLOYEES FROM THEIR OFFICES OR POSITIONS OF EMPLOYMENT.

(F) THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT DISTRICT MAY ESTABLISH AND APPOINT A TECHNICAL ADVISORY COUNCIL TO ASSIST IT IN THE PREPARATION OF THE PLAN OR SUBSEQUENT AMENDED PLANS OR IN ANNUAL REVIEWS OF THE IMPLEMENTATION OF THE PLAN OR AMENDED PLANS. THE TECHNICAL ADVISORY COUNCIL SHALL CONSIST OF AT LEAST ONE PERSON REPRESENTING SOLID WASTE HAULING AND DISPOSAL INDUSTRIES AND MAY CONSIST OF SUCH OTHER MEMBERS AS THE POLICY COMMITTEE CONSIDERS APPROPRIATE, INCLUDING, WITHOUT LIMITATION, HEALTH COMMISSIONERS OF ANY HEALTH DISTRICTS HAVING JURISDICTION WITHIN THE COUNTY OR JOINT DISTRICT THAT ARE NOT REPRESENTED BY MEMBERS SERVING ON THE POLICY COMMITTEE, REPRESENTATIVES OF ANY POLITICAL SUBDIVISIONS WITHIN THE DISTRICT THAT ARE NOT REPRESENTED BY MEMBERS SERVING ON THE POLICY COMMITTEE, PERSONS REPRESENTING ENVIRONMENTAL ADVOCACY ORGANIZATIONS, PERSONS REPRESENTING THE PRIVATE RECYCLING INDUSTRY, PERSONS REPRESENTING INDUSTRIAL GENERATORS OF SOLID WASTES, AND SUCH OTHER MEMBERS AS THE POLICY COMMITTEE CONSIDERS APPROPRIATE. THE TECHNICAL ADVISORY COUNCIL SHALL EXERCISE NO ADMINISTRATIVE FUNCTIONS.

(G) THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT MAY REQUEST THE DIVISIONS OF GEOLOGICAL SURVEY AND WATER IN THE DEPARTMENT OF NATURAL RESOURCES TO PROVIDE THE COMMITTEE WITH AVAILABLE INFORMATION REGARDING THE GEOLOGY, HYDROGEOLOGY, AND HYDROLOGY OF THE DISTRICT OR PORTIONS THEREOF IN ORDER TO ASSIST THE COMMITTEE IN PERFORMING ITS DUTIES UNDER CHAPTER 343. AND SECTIONS 3734.52 TO 3734.57 OF THE REVISED CODE. UPON RECEIPT OF A REQUEST FOR SUCH INFORMATION, THOSE DIVISIONS SHALL ENDEAVOR TO PROVIDE THE REQUESTED INFORMATION PROMPTLY.

(H) IF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY IS FORMED UNDER SECTION 343.011 OF THE REVISED CODE FOR THE PURPOSE OF MANAGING A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT, ALL THE DUTIES AND RESPONSIBILITIES IMPOSED ON OR GRANTED TO A SOLID WASTE MANAGEMENT POLICY COMMITTEE UNDER SECTIONS 3734.52 TO 3734.57 OF THE REVISED CODE SHALL BE VESTED IN AND EXERCISED BY THE BOARD OF TRUSTEES OF THE REGIONAL AUTHORITY. AS USED IN THOSE SECTIONS, ANY REFERENCE TO A SOLID WASTE MANAGEMENT POLICY COMMITTEE IS DEEMED TO INCLUDE THE

**BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.**

- Sec. 3734.55. (A) UPON COMPLETION OF ITS DRAFT SOLID WASTE MANAGEMENT PLAN UNDER SECTION 3734.54 OF THE REVISED CODE, THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT SHALL SEND A COPY OF THE DRAFT PLAN TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION FOR PRELIMINARY REVIEW AND COMMENT. WITHIN FORTY-FIVE DAYS AFTER RECEIVING THE DRAFT PLAN, THE DIRECTOR SHALL PROVIDE THE COMMITTEE WITH A WRITTEN, NONBINDING ADVISORY OPINION REGARDING THE DRAFT PLAN AND ANY RECOMMENDED CHANGES TO IT THAT HE CONSIDERS NECESSARY TO EFFECT ITS APPROVAL. AFTER RECEIPT OF THE DIRECTOR'S WRITTEN OPINION, THE COMMITTEE MAY MAKE SUCH REVISIONS TO THE DRAFT PLAN BASED ON THE DIRECTOR'S OPINION AS IT CONSIDERS APPROPRIATE. UPON RECEIPT OF THE DIRECTOR'S OPINION AND AFTER MAKING ANY SUCH REVISIONS TO THE DRAFT PLAN, THE COMMITTEE SHALL PREPARE AND PUBLISH IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY OR JOINT DISTRICT A PUBLIC NOTICE THAT DESCRIBES THE DRAFT PLAN, SPECIFIES THE LOCATION WHERE IT IS AVAILABLE FOR REVIEW, AND ESTABLISHES A PERIOD OF THIRTY DAYS FOR COMMENTS CONCERNING THE DRAFT PLAN. THE COMMITTEE SHALL ALSO NOTIFY ADJACENT COUNTY AND JOINT DISTRICTS OF THE DRAFT PLAN AND SHALL MAKE IT AVAILABLE FOR REVIEW BY THOSE DISTRICTS, BY THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT, AND BY ALL MUNICIPAL CORPORATIONS AND TOWNSHIPS WITHIN THE COUNTY OR JOINT DISTRICT. FIFTEEN DAYS AFTER EXPIRATION OF THE COMMENT PERIOD, THE COMMITTEE SHALL CONDUCT A PUBLIC HEARING CONCERNING THE DRAFT PLAN AND, AT LEAST FIFTEEN DAYS BEFORE THE HEARING, SHALL PUBLISH IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION WITHIN THE COUNTY OR JOINT DISTRICT A NOTICE CONTAINING THE TIME AND PLACE OF THE HEARING AND THE LOCATION WHERE THE DRAFT PLAN IS AVAILABLE FOR REVIEW.

(B) AFTER THE PUBLIC HEARING, THE COMMITTEE MAY MODIFY THE DRAFT PLAN BASED UPON THE PUBLIC'S COMMENTS AND SHALL ADOPT OR REJECT IT BY A MAJORITY VOTE. WITHIN THIRTY DAYS AFTER ADOPTION OF THE DRAFT PLAN, THE COMMITTEE SHALL MAIL A COPY OF IT TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT AND TO THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION AND TOWN-

SHIP HAVING TERRITORY WITHIN THE DISTRICT. WITHIN NINETY DAYS AFTER RECEIVING A COPY OF THE DRAFT PLAN ADOPTED BY THE COMMITTEE, EACH SUCH BOARD AND LEGISLATIVE AUTHORITY SHALL APPROVE OR DISAPPROVE THE DRAFT PLAN, BY ORDINANCE OR RESOLUTION, AND MAIL OR OTHERWISE DELIVER A COPY OF THE ORDINANCE OR RESOLUTION TO THE COMMITTEE.

THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A COUNTY OR JOINT DISTRICT SHALL DECLARE THE DRAFT PLAN TO BE RATIFIED AS THE SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT UPON DETERMINING THAT THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT HAS APPROVED THE DRAFT PLAN AND THAT THE LEGISLATIVE AUTHORITIES OF A COMBINATION OF MUNICIPAL CORPORATIONS AND TOWNSHIPS WITH A COMBINED POPULATION WITHIN THE BOUNDARIES OF THE COUNTY OR JOINT DISTRICT COMPRISING AT LEAST SIXTY PER CENT OF THE TOTAL POPULATION OF THE DISTRICT HAVE APPROVED THE DRAFT PLAN, PROVIDED THAT IN THE CASE OF A COUNTY DISTRICT, THAT COMBINATION SHALL INCLUDE THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF THE DISTRICT, AND PROVIDED THAT IN THE CASE OF A JOINT DISTRICT, THAT COMBINATION SHALL INCLUDE FOR EACH COUNTY FORMING THE JOINT DISTRICT THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF BOTH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED AND THE JOINT DISTRICT. FOR THE PURPOSES OF THIS DIVISION AND DIVISION (C)(2) OF THIS SECTION, ONLY THE POPULATION OF THE UNINCORPORATED AREA OF A TOWNSHIP SHALL BE CONSIDERED.

(C)(1) UPON RATIFICATION OF THE DRAFT PLAN UNDER DIVISION (B) OF THIS SECTION, THE COMMITTEE SHALL SUBMIT IT TO THE DIRECTOR FOR REVIEW AND APPROVAL FOR COMPLIANCE WITH THE REQUIREMENTS OF DIVISIONS (A), (B), AND (D) OF SECTION 3734.53 OF THE REVISED CODE. THE DIRECTOR SHALL, BY ORDER, APPROVE OR DISAPPROVE THE PLAN WITHIN NINETY DAYS AFTER ITS SUBMISSION. THE DIRECTOR SHALL INCLUDE WITH AN ORDER DISAPPROVING A PLAN A STATEMENT OUTLINING THE DEFICIENCIES IN THE PLAN AND DIRECTING THE COMMITTEE TO SUBMIT, WITHIN NINETY DAYS AFTER ISSUANCE OF THE ORDER, A REVISED PLAN THAT REMEDIES THOSE DEFICIENCIES, EXCEPT THAT IF THE COMMITTEE, BY RESOLUTION, REQUESTS AN EXTENSION OF THE TIME FOR SUBMISSION OF A REVISED PLAN, THE DIRECTOR MAY, FOR GOOD CAUSE SHOWN, GRANT ONE SUCH EXTENSION FOR A PERIOD OF NOT MORE THAN SIXTY ADDITIONAL DAYS.

(2) WITHIN SIXTY DAYS AFTER ISSUANCE OF THE ORDER DISAPPROVING ITS PLAN, THE COMMITTEE SHALL PREPARE A DRAFT REVISED PLAN, ADOPT A DRAFT REVISED PLAN BY A MAJORITY VOTE, AND MAIL A COPY OF THE DRAFT REVISED PLAN TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT AND TO THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION AND TOWNSHIP HAVING TERRITORY WITHIN THE DISTRICT. WITHIN TWENTY-ONE DAYS AFTER THE MAILING OF THE DRAFT REVISED PLAN, EACH SUCH BOARD AND LEGISLATIVE AUTHORITY SHALL APPROVE OR DISAPPROVE THE DRAFT REVISED PLAN, BY ORDINANCE OR RESOLUTION, AND MAIL OR OTHERWISE DELIVER A COPY OF THE ORDINANCE OR RESOLUTION TO THE COMMITTEE. THE COMMITTEE SHALL DECLARE THE DRAFT REVISED PLAN TO BE RATIFIED AS THE SOLID WASTE MANAGEMENT PLAN OF THE COUNTY OR JOINT DISTRICT UPON DETERMINING THAT THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT HAS APPROVED THE DRAFT PLAN AND THAT THE LEGISLATIVE AUTHORITIES OF A COMBINATION OF MUNICIPAL CORPORATIONS AND TOWNSHIPS WITH A COMBINED POPULATION WITHIN THE BOUNDARIES OF THE DISTRICT COMPRISING AT LEAST SIXTY PER CENT OF THE TOTAL POPULATION OF THE DISTRICT HAVE APPROVED THE DRAFT REVISED PLAN, PROVIDED THAT IN THE CASE OF A COUNTY DISTRICT, THAT COMBINATION SHALL INCLUDE THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF THE DISTRICT, AND PROVIDED THAT IN THE CASE OF A JOINT DISTRICT, THAT COMBINATION SHALL INCLUDE FOR EACH COUNTY FORMING THE JOINT DISTRICT THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF BOTH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED AND THE JOINT DISTRICT. UPON RATIFICATION OF THE DRAFT REVISED PLAN, THE COMMITTEE SHALL SUBMIT IT TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH DIVISION (CX1) OF THIS SECTION. THE DIRECTOR SHALL, BY ORDER, APPROVE OR DISAPPROVE THE DRAFT REVISED PLAN WITHIN THIRTY DAYS AFTER RECEIVING IT.

(3) NOTWITHSTANDING SECTION 119.06 OF THE REVISED CODE, THE DIRECTOR MAY APPROVE OR DISAPPROVE A PLAN OR REVISED PLAN SUBMITTED UNDER DIVISION (CX1) OR (2) OF THIS SECTION BY ISSUANCE OF A FINAL ORDER THAT IS EFFECTIVE UPON ISSUANCE, WITHOUT THE NECESSITY TO HOLD ANY ADJUDICATION HEARING IN CONNECTION WITH THE ORDER AND WITHOUT ISSUANCE OF A PROPOSED ACTION UNDER SECTION 3745.07 OF THE REVISED CODE. IN ANY APPEAL TAKEN UNDER SECTION 3745.04 OF

THE REVISED CODE PERTAINING TO THE DIRECTOR'S DISAPPROVAL OF THE SOLID WASTE MANAGEMENT PLAN OR REVISED PLAN OF A COUNTY OR JOINT DISTRICT, THE SOLID WASTE POLICY COMMITTEE OF THE COUNTY OR JOINT DISTRICT AND THE DIRECTOR SHALL BE THE PARTIES. UPON A SHOWING BY THE POLICY COMMITTEE THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT IT WILL PREVAIL ON THE MERITS, THE ENVIRONMENTAL BOARD OF REVIEW MAY, WITHIN THIRTY DAYS AFTER FILING OF THE NOTICE OF APPEAL UNDER THAT SECTION AND PENDING FINAL DETERMINATION OF THE APPEAL, GRANT TEMPORARY RELIEF FROM THE DIRECTOR'S ORDER DISAPPROVING THE DISTRICT'S PLAN, INCLUDING THE ISSUANCE OF APPROPRIATE ORDERS TO THE DIRECTOR TO REFRAIN FROM ACTING UNDER DIVISIONS (D)(1) AND (2) OF THIS SECTION.

(4) AFTER APPROVAL OF THE PLAN OR REVISED PLAN BY THE DIRECTOR, THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY DISTRICT OR BOARD OF DIRECTORS OF A JOINT DISTRICT SHALL IMPLEMENT THE PLAN IN COMPLIANCE WITH THE IMPLEMENTATION SCHEDULE CONTAINED IN THE APPROVED PLAN.

THE COMMITTEE SHALL ANNUALLY REVIEW IMPLEMENTATION OF THE APPROVED PLAN AND SUBSEQUENT AMENDED PLANS APPROVED UNDER SECTION 3734.56 OF THE REVISED CODE AND REPORT ITS FINDINGS AND RECOMMENDATIONS REGARDING IMPLEMENTATION OF THE PLAN TO THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT.

(D) IF THE DIRECTOR FINDS THAT A COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT HAS FAILED TO OBTAIN APPROVAL OF ITS SOLID WASTE MANAGEMENT PLAN WITHIN EIGHTEEN MONTHS AFTER THE APPLICABLE DATE PRESCRIBED FOR SUBMISSION OF ITS PLAN UNDER DIVISION (A) OF SECTION 3734.54 OF THE REVISED CODE OR WITHIN TWENTY-FOUR MONTHS AFTER THAT DATE IF THE DATE FOR SUBMISSION WAS EXTENDED UNDER THAT DIVISION, THE DIRECTOR SHALL:

(1) ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE TO THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT TERMINATING THE COLLECTION OF THE FEES LEVIED BY THE BOARD UNDER DIVISION (B) OF SECTION 3734.57 OF THE REVISED CODE;

(2) PREPARE A SOLID WASTE MANAGEMENT PLAN FOR THE COUNTY OR JOINT DISTRICT THAT COMPLIES WITH DIVISIONS (A) AND (D) OF SECTION 3734.53 OF THE REVISED CODE. THE PLAN SHALL NOT CONTAIN ANY OF THE PROVISIONS REQUIRED OR AUTHORIZED TO BE INCLUDED IN PLANS SUBMITTED BY DISTRICTS UNDER DIVISIONS (B) OR

(C) OF THAT SECTION. UPON COMPLETION OF THE PLAN, THE DIRECTOR SHALL ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE DIRECTING THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT TO IMPLEMENT THE PLAN IN COMPLIANCE WITH THE IMPLEMENTATION SCHEDULE CONTAINED IN IT.

WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE ORDER TO IMPLEMENT THE PLAN, THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT SHALL DETERMINE WHETHER THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE DISTRICT SHOULD CONTINUE TO EXIST TO MONITOR IMPLEMENTATION OF THE PLAN. THE BOARD MAY, BY RESOLUTION, ABOLISH THE COMMITTEE IF IT DETERMINES THAT THE COMMITTEE IS NOT NECESSARY FOR THAT PURPOSE.

(E) IF THE DIRECTOR FINDS THAT THE BOARD OF COUNTY COMMISSIONERS OR THE BOARD OF DIRECTORS OF A DISTRICT HAS MATERIALLY FAILED TO IMPLEMENT THE DISTRICT'S PLAN APPROVED UNDER DIVISION (C) OF THIS SECTION, OR PREPARED AND ORDERED TO BE IMPLEMENTED UNDER DIVISION (D) OF THIS SECTION, IN COMPLIANCE WITH THE IMPLEMENTATION SCHEDULE CONTAINED IN THE PLAN, THE DIRECTOR SHALL ISSUE AN ENFORCEMENT ORDER UNDER DIVISION (A) OF SECTION 3734.13 OF THE REVISED CODE DIRECTING THE BOARD TO COMPLY WITH THE IMPLEMENTATION SCHEDULE IN THE PLAN WITHIN A SPECIFIED, REASONABLE TIME.

(F) THE DIRECTOR SHALL MAINTAIN A RECORD OF THE COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICT SOLID WASTE MANAGEMENT PLANS AND AMENDED PLANS THAT HE HAS APPROVED OR ORDERED TO BE IMPLEMENTED UNDER THIS SECTION AND SECTION 3734.56 OF THE REVISED CODE. UPON DETERMINING THAT EACH COUNTY WITHIN THE STATE IS SUBJECT TO SUCH A PLAN OR AMENDED PLAN, HE SHALL NOTIFY THE CHIEF OF LITTER PREVENTION AND RECYCLING IN THE DEPARTMENT OF NATURAL RESOURCES OF THAT FACT.

(G) AS USED IN DIVISIONS (C)(4), (D)(1) AND (2), AND (E) OF THIS SECTION, ANY REFERENCE TO A BOARD OF COUNTY COMMISSIONERS OF A COUNTY OR A BOARD OF DIRECTORS OF A JOINT SOLID WASTE MANAGEMENT DISTRICT IS DEEMED TO INCLUDE THE BOARD OF TRUSTEES OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY FORMED UNDER SECTION 343.011 OF THE REVISED CODE.

Sec. 3734.56. (A) EACH COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICT HAVING A SOLID WASTE MANAGEMENT PLAN APPROVED UNDER SECTION 3734.55 OF THE

REVISED CODE WITH A PLANNING PERIOD OF LESS THAN FIFTEEN YEARS SHALL TRIENNIALLY, ON OR BEFORE THE ANNIVERSARY DATE OF THE APPROVAL OF THE INITIAL PLAN, SUBMIT TO THE DIRECTOR OF ENVIRONMENTAL PROTECTION AN AMENDED PLAN AND CERTIFICATION FOR THE SUBSEQUENT TEN-YEAR PERIOD OR LONGER PERIOD ON WHICH THE DISTRICT'S INITIAL PLAN WAS BASED. IF THE DISTRICT'S INITIAL PLAN AS APPROVED BY THE DIRECTOR CONTAINED A PLANNING PERIOD OF FIFTEEN OR MORE YEARS, THE DISTRICT SHALL SUBMIT SUCH AN AMENDED PLAN AND CERTIFICATION TO THE DIRECTOR EVERY FIVE YEARS ON OR BEFORE THE ANNIVERSARY DATE OF THE APPROVAL OF THE INITIAL PLAN OF THE DISTRICT. THE AMENDED PLAN AND CERTIFICATION SHALL COMPLY WITH DIVISIONS (A), (B), AND (D) OF SECTION 3734.53 OF THE REVISED CODE. AN AMENDED PLAN MAY INCORPORATE ANY OF THE ELEMENTS UNDER DIVISION (C) OF THAT SECTION THAT ARE NOT INCLUDED IN THE DISTRICT'S INITIAL PLAN OR PREVIOUS AMENDED PLANS AND MAY DELETE ANY OF THOSE ELEMENTS THAT WERE CONTAINED IN THE INITIAL PLAN OR PREVIOUS AMENDED PLANS.

NOT LATER THAN FIFTEEN MONTHS BEFORE THE REQUIRED DATE FOR SUBMISSION OF THE AMENDED PLAN FOR THE DISTRICT UNDER THIS SECTION, THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE COUNTY OR JOINT DISTRICT ESTABLISHED UNDER SECTION 3734.54 OF THE REVISED CODE SHALL BEGIN PREPARATION OF THE DRAFT AMENDED PLAN FOR THE DISTRICT. THE COMMITTEE SHALL PROCEED TO ADOPT AND OBTAIN APPROVAL OF THE AMENDED PLAN OF THE DISTRICT IN ACCORDANCE WITH DIVISIONS (A) TO (C) OF SECTION 3734.55 OF THE REVISED CODE.

IF A COUNTY OR JOINT DISTRICT FAILS TO SUBMIT AN AMENDED PLAN IN ACCORDANCE WITH THIS DIVISION OR FAILS TO OBTAIN APPROVAL OF THE AMENDED PLAN WITHIN EIGHTEEN MONTHS AFTER THE REQUIRED DATE FOR ITS SUBMISSION UNDER THIS DIVISION, THE DIRECTOR SHALL PROCEED IN ACCORDANCE WITH DIVISIONS (D)(1) AND (2) OF SECTION 3734.55 OF THE REVISED CODE.

(B) IF THE SOLID WASTE MANAGEMENT PLAN OF A COUNTY OR JOINT DISTRICT WAS INITIALLY PREPARED AND ORDERED TO BE IMPLEMENTED BY THE DIRECTOR UNDER DIVISION (D)(2) OF SECTION 3734.55 OF THE REVISED CODE, THE DIRECTOR SHALL TRIENNIALLY REVIEW THE PLAN AND PREPARE FOR THE DISTRICT AN AMENDED PLAN THAT COMPLIES WITH DIVISIONS (A) AND (D) OF SECTION 3734.53 OF THE REVISED CODE AND IS APPLICABLE TO THE SUBSEQUENT TEN-YEAR PERIOD. AN AMENDED PLAN PREPARED BY THE DIRECTOR SHALL NOT CONTAIN ANY PROVISIONS RE-

REQUIRED OR AUTHORIZED TO BE INCLUDED IN PLANS SUBMITTED BY DISTRICTS UNDER DIVISIONS (B) OR (C) OF SECTION 3734.53 OF THE REVISED CODE. UPON COMPLETION OF THE AMENDED PLAN, THE DIRECTOR SHALL ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE DIRECTING THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT TO IMPLEMENT THE AMENDED PLAN IN COMPLIANCE WITH THE IMPLEMENTATION SCHEDULE CONTAINED IN IT.

(C) A COUNTY OR JOINT DISTRICT THAT IS OPERATING UNDER A SOLID WASTE MANAGEMENT PLAN PREPARED AND ORDERED TO BE IMPLEMENTED BY THE DIRECTOR UNDER DIVISION (D)(2) OF SECTION 3734.55 OF THE REVISED CODE MAY, UNDER DIVISION (B) OF SECTION 3734.54 OF THE REVISED CODE, ESTABLISH A SOLID WASTE MANAGEMENT POLICY COMMITTEE AND PREPARE, ADOPT, AND SUBMIT ITS OWN SOLID WASTE MANAGEMENT PLAN TO REPLACE THE INITIAL OR AN AMENDED PLAN PREPARED BY THE DIRECTOR. ANY SUCH DISTRICT MAY SUBMIT ITS PLAN TO THE DIRECTOR ONLY WITHIN THE ONE HUNDRED EIGHTY DAYS IMMEDIATELY PRECEDING A TRIENNIAL ANNIVERSARY OF THE DATE ON WHICH THE DIRECTOR ISSUED THE INITIAL ORDER UNDER DIVISION (D)(2) OF SECTION 3734.55 OF THE REVISED CODE REQUIRING THE DISTRICT TO IMPLEMENT THE PLAN PREPARED BY THE DIRECTOR.

UPON APPROVAL OF THE SOLID WASTE MANAGEMENT PLAN OF THE COUNTY OR JOINT DISTRICT UNDER DIVISION (C) OF SECTION 3734.55 OF THE REVISED CODE, THE DIRECTOR SHALL ISSUE AN ORDER IN ACCORDANCE WITH CHAPTER 3745. OF THE REVISED CODE REVOKING THE EARLIER ORDERS ISSUED TO THE DISTRICT UNDER DIVISIONS (D)(1) AND (2) OF THAT SECTION.

(D) WHEN THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY DISTRICT OR THE BOARD OF DIRECTORS OF A JOINT DISTRICT DETERMINES THAT CIRCUMSTANCES MATERIALLY CHANGED FROM THOSE ADDRESSED IN THE APPROVED INITIAL OR AMENDED PLAN OF THE DISTRICT REQUIRE SUBMISSION OF AN AMENDED PLAN PRIOR TO THE TIME REQUIRED UNDER DIVISION (A) OF THIS SECTION, THE BOARD SHALL REQUEST THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE DISTRICT TO PREPARE A DRAFT AMENDED PLAN. UPON RECEIPT OF THE BOARD'S REQUEST, THE COMMITTEE SHALL BEGIN PREPARING A DRAFT AMENDED PLAN FOR THE DISTRICT AND SHALL PROCEED TO ADOPT AND OBTAIN APPROVAL OF THE AMENDED PLAN IN ACCORDANCE WITH DIVISIONS (A) TO (C) OF SECTION 3734.55 OF THE REVISED CODE.

(E) THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY DISTRICT OR BOARD OF DIRECTORS OF A JOINT DISTRICT

MAY REQUEST THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF THE DISTRICT TO PREPARE AND ADOPT AMENDMENTS TO ANY PROVISIONS OF THE DISTRICT'S PLAN REQUIRED TO BE INCLUDED UNDER DIVISION (B) OF SECTION 3734.53 OF THE REVISED CODE AT ANY TIME AND WITHOUT THE NECESSITY OF OBTAINING APPROVAL OF ANY SUCH AMENDMENTS FROM THE DIRECTOR. THE COMMITTEE SHALL ADOPT A RESOLUTION SETTING FORTH THE PROPOSED AMENDMENTS TO THE PLAN AND SHALL PROCEED IN ACCORDANCE WITH DIVISION (B) OF SECTION 3734.57 OF THE REVISED CODE TO CONDUCT A PUBLIC HEARING ON THE PROPOSED AMENDMENTS AND OBTAIN THEIR APPROVAL AND RATIFICATION.

Sec. 3734.57. (A) FOR THE PURPOSES OF PAYING THE STATE'S LONG-TERM OPERATION COSTS OR MATCHING SHARE FOR ACTIONS TAKEN UNDER THE "COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980," 94 STAT. 2767, 42 U.S.C.A. 9601, AS AMENDED; PAYING THE COSTS OF MEASURES FOR PROPER CLEANUP OF SITES WHERE POLYCHLORINATED BIPHENYLS AND SUBSTANCES, EQUIPMENT, AND DEVICES CONTAINING OR CONTAMINATED WITH POLYCHLORINATED BIPHENYLS HAVE BEEN STORED OR DISPOSED OF; PAYING THE COSTS OF CONDUCTING SURVEYS OR INVESTIGATIONS OF SOLID WASTE FACILITIES OR OTHER LOCATIONS WHERE IT IS BELIEVED THAT SIGNIFICANT QUANTITIES OF HAZARDOUS WASTE WERE DISPOSED OF AND FOR CONDUCTING ENFORCEMENT ACTIONS ARISING FROM THE FINDINGS OF SUCH SURVEYS OR INVESTIGATIONS; AND FOR PAYING THE COSTS OF ACQUIRING AND CLEANING UP, OR PROVIDING FINANCIAL ASSISTANCE FOR CLEANING UP, ANY HAZARDOUS WASTE FACILITY OR SOLID WASTE FACILITY CONTAINING SIGNIFICANT QUANTITIES OF HAZARDOUS WASTE, THAT CONSTITUTES AN IMMINENT AND SUBSTANTIAL THREAT TO PUBLIC HEALTH OR SAFETY OR THE ENVIRONMENT, THE FOLLOWING FEE OF

(1) ON THE DISPOSAL OF SOLID WASTES AT A SOLID WASTE DISPOSAL FACILITY LOCATED IN THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT WHERE THE WASTES ARE GENERATED:

(a) FIFTY CENTS PER TON ON THE EFFECTIVE DATE OF THIS SECTION;

(b) SIXTY CENTS PER TON TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION;

(c) SEVENTY CENTS PER TON TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(2) ON THE DISPOSAL OF SOLID WASTES GENERATED OUTSIDE THE BOUNDARIES OF THE COUNTY OR JOINT SOLID

WASTE MANAGEMENT DISTRICT WHERE THE WASTES ARE DISPOSED OF, BUT INSIDE THIS STATE:

(a) ONE DOLLAR PER TON ON THE EFFECTIVE DATE OF THIS SECTION;

(b) ONE DOLLAR AND TEN CENTS PER TON TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION;

(c) ONE DOLLAR AND TWENTY CENTS PER TON TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(3) ON THE DISPOSAL OF SOLID WASTES GENERATED OUTSIDE THE BOUNDARIES OF THIS STATE:

(a) ON THE EFFECTIVE DATE OF THIS SECTION, ONE DOLLAR AND FIFTY CENTS PER TON OR AN AMOUNT EQUAL TO THE FEE APPLICABLE TO THE WASTE IF IT WERE TREATED OR DISPOSED OF IN THE STATE WHERE IT WAS GENERATED, WHICHEVER IS GREATER

(b) TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, ONE DOLLAR AND SIXTY CENTS PER TON OR AN AMOUNT EQUAL TO THE FEE APPLICABLE TO THE WASTE IF IT WERE TREATED OR DISPOSED OF IN THE STATE WHERE IT WAS GENERATED, WHICHEVER IS GREATER

(c) TWENTY-FOUR MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, ONE DOLLAR AND SEVENTY CENTS PER TON OR AN AMOUNT EQUAL TO THE FEE APPLICABLE TO THE WASTE IF IT WERE TREATED OR DISPOSED OF IN THE STATE WHERE IT WAS GENERATED, WHICHEVER IS GREATER

IN ADDITION TO THE FEES LEVIED UNDER DIVISIONS (A)(3) (a) TO (c), a fee of seventy-five dollars per ton shall be levied on the disposal of solid wastes that, at the time and site of generation, were not subject to the regulatory jurisdiction of this state or a political subdivision of this state.

THE OWNER OR OPERATOR OF A SOLID WASTE DISPOSAL FACILITY SHALL COLLECT THE FEE LEVIED UNDER THIS DIVISION AS TRUSTEE FOR THE STATE AND SHALL PREPARE AND FILE WITH THE DIRECTOR OF ENVIRONMENTAL PROTECTION MONTHLY RETURNS INDICATING THE TOTAL TONNAGE OF SOLID WASTES RECEIVED FOR DISPOSAL AT THE GATE OF THE FACILITY AND THE TOTAL AMOUNT OF THE FEES COLLECTED UNDER THIS DIVISION. NOT LATER THAN THIRTY DAYS AFTER THE END OF THE MONTH TO WHICH SUCH A RETURN APPLIES, THE OWNER OR OPERATOR SHALL MAIL TO THE DIRECTOR THE RETURN FOR THAT MONTH TOGETHER WITH THE FEES COLLECTED DURING THAT MONTH 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 HE HAS SUBMITTED SUCH A REQUEST IN WRITING TO THE DIRECTOR TOGETHER WITH A DETAILED

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GOVERNOR

DESCRIPTION OF WHY THE EXTENSION IS REQUESTED, THE DIRECTOR HAS RECEIVED THE REQUEST NOT LATER THAN THE DAY ON WHICH THE RETURN IS REQUIRED TO BE FILED, AND THE DIRECTOR HAS APPROVED THE REQUEST. IF THE FEES ARE NOT REMITTED WITHIN SIXTY DAYS OF THE LAST DAY OF THE MONTH DURING WHICH THEY WERE COLLECTED, THE OWNER OR OPERATOR SHALL PAY AN ADDITIONAL FIFTY PER CENT OF THE AMOUNT OF THE FEES FOR EACH MONTH THAT THEY ARE LATE.

ONE-HALF OF THE MONEYS REMITTED TO THE DIRECTOR UNDER THIS DIVISION SHALL BE CREDITED TO THE HAZARDOUS WASTE FACILITY MANAGEMENT FUND CREATED IN SECTION 3734.18 OF THE REVISED CODE, AND ONE-HALF SHALL BE CREDITED TO THE HAZARDOUS WASTE CLEAN-UP FUND CREATED IN SECTION 3734.28 OF THE REVISED CODE.

(B) FOR THE PURPOSE OF PREPARING, REVISING, AND IMPLEMENTING THE SOLID WASTE MANAGEMENT PLANS OF COUNTY AND JOINT SOLID WASTE MANAGEMENT DISTRICTS, INCLUDING, WITHOUT LIMITATION, THE DEVELOPMENT AND IMPLEMENTATION OF SOLID WASTE RECYCLING OR REDUCTION PROGRAMS; PROVIDING FINANCIAL ASSISTANCE TO BOARDS OF HEALTH WITHIN THE DISTRICT IN WHICH SOLID WASTE FACILITIES ARE LOCATED FOR THE ENFORCEMENT OF SECTIONS 3734.01 TO 3734.13 OF THE REVISED CODE AND RULES ADOPTED AND ORDERS AND TERMS AND CONDITIONS OF PERMITS, LICENSES, AND VARIANCES ISSUED UNDER THOSE SECTIONS; PROVIDING FINANCIAL ASSISTANCE TO THE COUNTY TO DEFRAY THE ADDED COSTS OF MAINTAINING ROADS AND OTHER PUBLIC FACILITIES AND PROVIDING EMERGENCY AND OTHER PUBLIC SERVICES RESULTING FROM THE LOCATION AND OPERATION OF A SOLID WASTE FACILITY WITHIN THE COUNTY UNDER THE DISTRICT'S APPROVED SOLID WASTE MANAGEMENT PLAN; PAYING THE COSTS INCURRED BY BOARDS OF HEALTH FOR COLLECTING AND ANALYZING WATER SAMPLES FROM PUBLIC OR PRIVATE WELLS ON LANDS ADJACENT TO SOLID WASTE FACILITIES THAT ARE CONTAINED IN THE APPROVED OR AMENDED PLANS OF COUNTY OR JOINT DISTRICTS; AND PAYING THE COSTS OF 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, 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.

IF SUCH FEES ARE LEVIED, FEES LEVIED UNDER DIVISION (BX1) OF THIS SECTION SHALL ALWAYS BE EQUAL TO ONE-HALF OF THE FEES LEVIED UNDER DIVISION (BX2) OF THIS SECTION, AND FEES LEVIED UNDER DIVISION (BX3) OF THIS SECTION, WHICH SHALL BE IN ADDITION TO FEES LEVIED UNDER DIVISION (BX2) OF THIS SECTION, SHALL ALWAYS BE EQUAL TO FEES LEVIED UNDER DIVISION (BX1) OF THIS SECTION. THE SOLID WASTE MANAGEMENT PLAN OF THE COUNTY OR JOINT DISTRICT APPROVED UNDER SECTION 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 (BX1), (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. ALTHOUGH THE FEE UNDER DIVISION (A) OF THIS SECTION IS LEVIED ON THE BASIS OF TONS AS THE UNIT OF MEASUREMENT, THE SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT AND ANY AMENDMENTS TO IT OR THE SOLID WASTE MANAGEMENT POLICY COMMITTEE IN ITS RESOLUTION LEVYING FEES UNDER THIS DIVISION, MAY DIRECT THAT THE FEE LEVIED UNDER DIVISION (A) OF THIS SECTION BE LEVIED ON THE BASIS OF CUBIC YARDS AS THE UNIT OF MEASUREMENT BASED UPON A CONVERSION FACTOR OF THREE CUBIC YARDS PER TON GENERALLY OR ONE CUBIC YARD PER TON FOR BALED WASTES IF THE FEES UNDER DIVISIONS (BX1) TO (3) OF THIS SECTION ARE BEING LEVIED ON THE BASIS OF CUBIC YARDS AS THE UNIT OF MEASUREMENT UNDER THE PLAN, AMENDED PLAN, OR RESOLUTION.

FEES LEVIED UNDER DIVISIONS (A) AND (B) OF THIS SECTION DO NOT APPLY TO SEWAGE SLUDGE THAT IS GENERATED BY A WASTE WATER TREATMENT FACILITY HOLDING A NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT AND THAT IS DISPOSED OF THROUGH INCINERATION, LAND APPLICATION, OR COMPOSTING OR AT ANOTHER RESOURCE OR DISPOSAL FACILITY THAT IS NOT A LANDFILL.

PRIOR TO THE APPROVAL OF THE SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT UNDER SECTION 3734.55 OF THE REVISED CODE, THE SOLID WASTE MANAGEMENT POLICY COMMITTEE OF A DISTRICT MAY LEVY FEES UNDER THIS DIVISION BY ADOPTING A RESOLUTION ESTABLISHING THE PROPOSED AMOUNT OF THE FEES. UPON ADOPTING THE RESOLUTION, THE COMMITTEE SHALL MAIL A COPY OF THE RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT AND TO THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION AND TOWNSHIP HAVING TERRITORY WITHIN THE DISTRICT AND SHALL PREPARE AND PUBLISH THE RESOLUTION AND A NOTICE OF THE TIME AND LOCATION WHERE A PUBLIC HEARING ON THE FEES WILL BE HELD. THE PUBLICATION SHALL OCCUR AT LEAST THIRTY DAYS BEFORE THE HEARING. AFTER THE HEARING, THE COMMITTEE MAY MAKE SUCH REVISIONS TO THE PROPOSED FEES AS IT CONSIDERS APPROPRIATE AND SHALL THEREAFTER, BY RESOLUTION, ADOPT THE REVISED FEE SCHEDULE. UPON ADOPTING THE REVISED FEE SCHEDULE, THE COMMITTEE SHALL MAIL A COPY OF THE RESOLUTION DOING SO TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT AND TO THE LEGISLATIVE AUTHORITY OF EACH MUNICIPAL CORPORATION AND TOWNSHIP HAVING TERRITORY WITHIN THE DISTRICT. WITHIN SIXTY DAYS AFTER THE MAILING OF A COPY OF THE RESOLUTION ADOPTING THE PROPOSED REVISED FEES BY THE POLICY COMMITTEE, EACH SUCH BOARD AND LEGISLATIVE AUTHORITY SHALL, BY ORDINANCE OR RESOLUTION, APPROVE OR DISAPPROVE THE REVISED FEES AND MAIL A COPY OF THE ORDINANCE OR RESOLUTION TO THE COMMITTEE. IF ANY SUCH BOARD OR LEGISLATIVE AUTHORITY FAILS TO ADOPT AND MAIL TO THE POLICY COMMITTEE AN ORDINANCE OR RESOLUTION APPROVING OR DISAPPROVING THE REVISED FEES WITHIN SIXTY DAYS AFTER THE POLICY COMMITTEE MAILED ITS RESOLUTION ADOPTING THE PROPOSED REVISED FEES, IT SHALL BE CONCLUSIVELY PRESUMED THAT THE BOARD OR LEGISLATIVE AUTHORITY HAS APPROVED THE PROPOSED REVISED FEES.

THE COMMITTEE SHALL DECLARE THE PROPOSED REVISED FEES TO BE RATIFIED AS THE FEE SCHEDULE OF THE DISTRICT UPON DETERMINING THAT THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY FORMING THE DISTRICT HAS APPROVED THE PROPOSED REVISED FEES AND THAT THE LEGISLATIVE AUTHORITIES OF A COMBINATION OF MUNICIPAL CORPORATIONS AND TOWNSHIPS WITH A COMBINED POPULATION WITHIN THE BOUNDARIES OF THE DISTRICT COMPRISING AT LEAST SIXTY PER CENT OF THE TOTAL POPULATION OF THE DISTRICT HAVE APPROVED THE PRO-

POSED REVISED FEES, PROVIDED THAT IN THE CASE OF A COUNTY DISTRICT, THAT COMBINATION SHALL INCLUDE THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF THE DISTRICT, AND PROVIDED THAT IN THE CASE OF A JOINT DISTRICT, THAT COMBINATION SHALL INCLUDE FOR EACH COUNTY FORMING THE DISTRICT THE MUNICIPAL CORPORATION HAVING THE LARGEST POPULATION WITHIN THE BOUNDARIES OF BOTH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED AND THE JOINT DISTRICT. FOR THE PURPOSES OF THIS DIVISION, ONLY THE POPULATION OF THE UNINCORPORATED AREA OF A TOWNSHIP SHALL BE CONSIDERED.

COLLECTION OF THE FEES SHALL COMMENCE ON THE FIRST DAY NEXT SUCCEEDING THE DATE ON WHICH THE COMMITTEE DECLARES THE FEE SCHEDULE TO BE RATIFIED.

(C) FOR THE PURPOSES OF DEFRAYING THE ADDED COSTS TO A MUNICIPAL CORPORATION OR TOWNSHIP FOR MAINTAINING ROADS AND OTHER PUBLIC FACILITIES AND FOR PROVIDING EMERGENCY AND OTHER PUBLIC SERVICES, AND COMPENSATING A MUNICIPAL CORPORATION OR TOWNSHIP FOR REDUCTIONS IN REAL PROPERTY TAX REVENUES DUE TO REDUCTIONS IN REAL PROPERTY VALUATIONS RESULTING FROM THE LOCATION AND OPERATION OF A SOLID WASTE DISPOSAL FACILITY WITHIN THE MUNICIPAL CORPORATION OR TOWNSHIP UNDER THE SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN OF THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT APPROVED OR ORDERED TO BE IMPLEMENTED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE, A MUNICIPAL CORPORATION OR TOWNSHIP IN WHICH SUCH A SOLID WASTE DISPOSAL FACILITY IS LOCATED MAY LEVY A FEE OF NOT MORE THAN TWENTY-FIVE CENTS PER TON ON THE DISPOSAL OF SOLID WASTES AT A SOLID WASTE DISPOSAL FACILITY LOCATED IN THE DISTRICT AND WITHIN THE BOUNDARIES OF THE MUNICIPAL CORPORATION OR TOWNSHIP REGARDLESS OF WHERE THE WASTES WERE GENERATED.

THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION OR TOWNSHIP MAY LEVY FEES UNDER THIS DIVISION BY ENACTING AN ORDINANCE OR ADOPTING A RESOLUTION ESTABLISHING THE AMOUNT OF THE FEES. UPON SO DOING THE LEGISLATIVE AUTHORITY SHALL MAIL A CERTIFIED COPY OF THE ORDINANCE OR RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICT IN WHICH THE MUNICIPAL CORPORATION OR TOWNSHIP IS LOCATED OR, IF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY HAS BEEN FORMED UNDER SECTION 343.011 OF THE

REVISED CODE, TO THE BOARD OF TRUSTEES OF THAT REGIONAL AUTHORITY, THE OWNER OR OPERATOR OF EACH SOLID WASTE DISPOSAL FACILITY IN THE MUNICIPAL CORPORATION OR TOWNSHIP THAT IS REQUIRED TO COLLECT THE FEE BY THE ORDINANCE OR RESOLUTION, AND THE DIRECTOR OF ENVIRONMENTAL PROTECTION. ALTHOUGH THE FEES LEVIED UNDER THIS DIVISION ARE LEVIED ON THE BASIS OF TONS AS THE UNIT OF MEASUREMENT, THE LEGISLATIVE AUTHORITY, IN ITS ORDINANCE OR RESOLUTION LEVYING THE FEES UNDER THIS DIVISION, MAY DIRECT THAT THE FEES BE LEVIED ON THE BASIS OF CUBIC YARDS AS THE UNIT OF MEASUREMENT BASED UPON A CONVERSION FACTOR OF THREE CUBIC YARDS PER TON GENERALLY OR ONE CUBIC YARD PER TON FOR BALED WASTES.

COLLECTION OF THE FEE SHALL COMMENCE ON THE THIRTIETH DAY AFTER THE EFFECTIVE DATE OF THE ORDINANCE OR ADOPTION OF THE RESOLUTION.

(DX1) THE FEES LEVIED UNDER DIVISIONS (AX1) TO (3), (B)(1) TO (3), AND (C) OF THIS SECTION DO NOT APPLY TO THE DISPOSAL OF SOLID WASTES THAT:

(a) ARE DISPOSED OF AT A FACILITY OWNED BY THE GENERATOR OF THE 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;

(b) ARE DISPOSED OF AT FACILITIES THAT EXCLUSIVELY DISPOSE OF WASTES THAT ARE GENERATED FROM THE COMBUSTION OF COAL THAT IS NOT COMBINED IN ANY WAY WITH GARBAGE AT ONE OR MORE PREMISES OWNED BY THE GENERATOR.

(2) THE FEES LEVIED UNDER DIVISIONS (AX2)(a) TO (c) AND (B)(2) OF THIS SECTION DO NOT APPLY TO SOLID WASTES ORIGINATING OUTSIDE THE BOUNDARIES OF A COUNTY OR JOINT DISTRICT THAT ARE COVERED BY AN AGREEMENT FOR THE JOINT USE OF SOLID WASTE FACILITIES ENTERED INTO UNDER SECTION 343.02 OF THE REVISED CODE BY THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE COUNTY OR JOINT DISTRICT WHERE THE WASTES ARE GENERATED AND DISPOSED OF.

(3) WHEN SOLID WASTES ARE BURNED IN A DISPOSAL FACILITY THAT IS AN INCINERATOR OR ENERGY RECOVERY FACILITY, THE FEES LEVIED UNDER DIVISIONS (AX1) TO (3), (B)(1) TO (3), AND (C) OF THIS SECTION SHALL BE LEVIED UPON THE DISPOSAL OF THE FLY ASH AND BOTTOM ASH REMAINING AFTER BURNING OF THE SOLID WASTES AND SHALL BE COLLECTED BY THE OWNER OR OPERATOR OF THE SANITARY LANDFILL WHERE THE ASH IS DISPOSED OF.

(4) WHEN SOLID WASTES ARE DELIVERED TO A TRANSFER FACILITY, THE FEES LEVIED UNDER DIVISIONS (A)(1) TO (3), (B)(1) TO (3), 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.

(E) THE FEES LEVIED UNDER DIVISIONS (B)(1) TO (3) AND (C) OF THIS SECTION SHALL BE COLLECTED BY THE OWNER OR OPERATOR OF THE SOLID WASTE DISPOSAL FACILITY WHERE THE WASTES ARE DISPOSED OF AS TRUSTEE FOR THE COUNTY OR JOINT DISTRICT AND MUNICIPAL CORPORATION OR TOWNSHIP WHERE THE WASTES ARE DISPOSED OF. MONEYS FROM THE FEES LEVIED UNDER DIVISIONS (B)(1) TO (3) OF THIS SECTION SHALL BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS OF THE DISTRICT IN ACCORDANCE WITH RULES ADOPTED UNDER DIVISION (F) OF THIS SECTION. MONEYS FROM THE FEES LEVIED UNDER DIVISION (C) OF THIS SECTION SHALL BE FORWARDED TO THE TREASURER OR SUCH OTHER OFFICER OF THE MUNICIPAL CORPORATION AS, BY VIRTUE OF THE CHARTER, HAS THE DUTIES OF THE TREASURER OR TO THE CLERK OF THE TOWNSHIP, AS APPROPRIATE.

MONEYS RECEIVED BY THE BOARD OF COUNTY COMMISSIONERS OR BOARD OF DIRECTORS UNDER THIS DIVISION SHALL BE PAID TO THE COUNTY TREASURER, OR OTHER OFFICIAL ACTING IN A SIMILAR CAPACITY UNDER A COUNTY CHARTER, IN A COUNTY DISTRICT OR TO THE COUNTY TREASURER OR OTHER OFFICIAL DESIGNATED BY THE BOARD OF DIRECTORS IN A JOINT DISTRICT AND KEPT IN A SEPARATE AND DISTINCT FUND TO THE CREDIT OF THE DISTRICT. IF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY HAS BEEN FORMED UNDER SECTION 343.011 OF THE REVISED CODE, MONEYS RECEIVED BY THE BOARD OF TRUSTEES OF THAT REGIONAL AUTHORITY UNDER THIS DIVISION SHALL BE KEPT BY THE BOARD IN A SEPARATE AND DISTINCT FUND TO THE CREDIT OF THE DISTRICT.

MONEYS RECEIVED BY THE TREASURER OR SUCH OTHER OFFICER OF THE MUNICIPAL CORPORATION SHALL BE PAID INTO THE GENERAL FUND OF THE MUNICIPAL CORPORATION. MONEYS RECEIVED BY THE CLERK OF THE TOWNSHIP SHALL BE PAID INTO THE GENERAL FUND OF THE TOWNSHIP. THE TREASURER OR SUCH OTHER OFFICER OF THE MUNICIPAL CORPORATION OR THE CLERK, AS APPROPRIATE, SHALL MAINTAIN SEPARATE RECORDS OF THE MONEYS RECEIVED FROM THE FEES LEVIED UNDER DIVISION (C) OF THIS SECTION.

**MONEYS IN THE SPECIAL FUND OF THE COUNTY OR JOINT DISTRICT ARISING FROM THE FEES LEVIED UNDER DIVISIONS (B)(1) TO (3) OF THIS SECTION SHALL BE EXPENDED BY THE BOARD OF COUNTY COMMISSIONERS OR DIRECTORS OF THE DISTRICT IN ACCORDANCE WITH THE DISTRICT'S SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN APPROVED UNDER SECTION 3734.55 OR 3734.56 OF THE REVISED CODE EXCLUSIVELY FOR THE FOLLOWING PURPOSES:**

- (1) PREPARATION OF THE SOLID WASTE MANAGEMENT PLAN OF THE DISTRICT UNDER SECTION 3734.54 OF THE REVISED CODE, MONITORING IMPLEMENTATION OF THE PLAN, AND CONDUCTING THE PERIODIC REVIEW AND AMENDMENT OF THE PLAN REQUIRED BY SECTION 3734.56 OF THE REVISED CODE;**
- (2) IMPLEMENTATION OF THE APPROVED SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN OF THE DISTRICT, INCLUDING, WITHOUT LIMITATION, THE DEVELOPMENT AND IMPLEMENTATION OF SOLID WASTE RECYCLING OR REDUCTION PROGRAMS;**
- (3) PROVIDING FINANCIAL ASSISTANCE TO BOARDS OF HEALTH WITHIN THE DISTRICT IN WHICH SOLID WASTE FACILITIES ARE LOCATED FOR ENFORCEMENT OF SECTIONS 3734.01 TO 3734.13 OF THE REVISED CODE AND RULES, ORDERS, AND TERMS AND CONDITIONS OF PERMITS, LICENSES, AND VARIANCES ADOPTED OR ISSUED UNDER THOSE SECTIONS;**
- (4) PROVIDING FINANCIAL ASSISTANCE TO EACH COUNTY WITHIN THE DISTRICT TO DEFRAY THE ADDED COSTS OF MAINTAINING ROADS AND OTHER PUBLIC FACILITIES AND OF PROVIDING EMERGENCY AND OTHER PUBLIC SERVICES RESULTING FROM THE LOCATION AND OPERATION OF A SOLID WASTE FACILITY WITHIN THE COUNTY UNDER THE DISTRICT'S APPROVED SOLID WASTE MANAGEMENT PLAN OR AMENDED PLAN;**
- (5) PURSUANT TO CONTRACTS ENTERED INTO WITH BOARDS OF HEALTH WITHIN THE DISTRICT IN WHICH SOLID WASTE FACILITIES CONTAINED IN THE DISTRICT'S APPROVED PLAN OR AMENDED PLAN ARE LOCATED, 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. MONEYS IN THE SPECIAL FUND OF THE DISTRICT**

ARISING FROM THE FEES LEVIED UNDER DIVISION (B)(3) OF THIS SECTION SHALL BE EXPENDED EXCLUSIVELY FOR THE PURPOSES OF DIVISION (EX6) OF THIS SECTION.

PRIOR TO THE APPROVAL OF THE DISTRICT'S SOLID WASTE MANAGEMENT PLAN UNDER SECTION 3734.55 OF THE REVISED CODE, MONEYS IN THE SPECIAL FUND OF THE DISTRICT ARISING FROM SUCH FEES SHALL BE EXPENDED FOR SUCH PURPOSES IN THE MANNER PRESCRIBED BY THE SOLID WASTE MANAGEMENT POLICY COMMITTEE BY RESOLUTION.

(F) THE DIRECTOR OF ENVIRONMENTAL PROTECTION SHALL ADOPT RULES IN ACCORDANCE WITH CHAPTER 119 OF THE REVISED CODE PRESCRIBING PROCEDURES FOR COLLECTING AND FORWARDING THE FEES LEVIED UNDER DIVISIONS (B) AND (C) OF THIS SECTION TO THE BOARDS OF COUNTY COMMISSIONERS OR DIRECTORS OF COUNTY OR JOINT SOLID WASTE MANAGEMENT DISTRICTS AND TO THE TREASURERS OR OTHER OFFICERS OF MUNICIPAL CORPORATIONS OR TO THE CLERKS OF TOWNSHIPS. THE RULES SHALL ALSO PRESCRIBE THE DATES FOR FORWARDING THE FEES TO THE BOARDS AND OFFICIALS AND MAY PRESCRIBE ANY OTHER REQUIREMENTS THE DIRECTOR CONSIDERS NECESSARY OR APPROPRIATE TO IMPLEMENT AND ADMINISTER DIVISIONS (A), (B), AND (C) OF THIS SECTION. COLLECTION OF THE FEES LEVIED UNDER DIVISION (A) OF THIS SECTION SHALL COMMENCE ON THE FIRST DAY OF THE MONTH NEXT SUCCEEDING THE EFFECTIVE DATE OF THE RULES ADOPTED UNDER THIS DIVISION THAT ARE APPLICABLE TO DIVISION (A) OF THIS SECTION.

(G) THE DIRECTOR SHALL MONITOR COLLECTION OF THE FEES LEVIED BY DIVISIONS (A) AND (B) OF THIS SECTION, THE REVENUES PRODUCED BY THEM, AND THE USES MADE OF THOSE REVENUES. NOT LATER THAN THREE YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DIRECTOR SHALL PREPARE AND SUBMIT TO THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES A REPORT ON THE USES MADE OF THE FEES LEVIED BY DIVISIONS (A) AND (B) OF THIS SECTION AND RECOMMENDATIONS REGARDING THE NEED FOR CONTINUATION OF THOSE FEES.

Sec. 3734.99. (A) Except as otherwise provided in division DIVISIONS (B), (C), AND (D) of this section, whoever recklessly violates any section of this chapter, except section 3734.18 OR 3734.57 of the Revised Code, governing the storage, treatment, transportation, or disposal of hazardous waste, violates division (F) of section 3734.65 of the Revised Code with respect to a report required pursuant to a plan approved under division (A) of section 3734.041 of the Revised Code, or violates division (D) of section 3734.16 of the Revised Code with respect to an order issued

pursuant to division (C) or (D) of section 3734.041 of the Revised Code, is guilty of a felony and shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both. Whoever violates any section of this chapter governing the disposal of solid wastes, other than division (F) of section 3734.06 of the Revised Code with respect to a report required pursuant to a plan approved under division (A) of section 3734.041 of the Revised Code or division (D) of section 3734.13 of the Revised Code with respect to an order issued pursuant to division (C) or (D) of section 3734.041 of the Revised Code, or violates section 3734.18 OR 3734.57 of the Revised Code, shall be fined not more than two hundred fifty TEN THOUSAND dollars. Each day of violation constitutes a separate offense.

(B) WHOEVER VIOLATES DIVISION (G) OF SECTION 3734.05 OF THE REVISED CODE WITH RESPECT TO A REPORT REQUIRED PURSUANT TO A PLAN APPROVED UNDER DIVISION (A) OF SECTION 3734.041 OF THE REVISED CODE OR VIOLATES DIVISION (D) OF SECTION 3734.13 OF THE REVISED CODE WITH RESPECT TO AN ORDER ISSUED PURSUANT TO DIVISION (C) OR (D) OR SECTION 3734.041 OF THE REVISED CODE IS GUILTY OF A FELONY AND SHALL BE FINED AT LEAST TEN THOUSAND DOLLARS, BUT NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS, OR IMPRISONED FOR AT LEAST TWO YEARS, BUT NOT MORE THAN FOUR YEARS, OR BOTH. EACH DAY OF VIOLATION CONSTITUTES A SEPARATE OFFENSE.

(C) Upon the second or subsequent conviction for a violation of any section of this chapter governing the storage, treatment, transportation, or disposal of hazardous waste, or for a violation of division (F) of section 3734.06 of the Revised Code with respect to a report required pursuant to a plan approved under division (A) of section 3734.041 of the Revised Code or a violation of division (D) of section 3734.13 of the Revised Code with respect to an order issued pursuant to division (C) or (D) of, EXCEPT section 3734.041 3734.18 OR 3734.57 OR A RULE ADOPTED UNDER DIVISION (B) OF SECTION 3734.122 of the Revised Code, the offender shall be fined at least twenty thousand dollars, but not more than fifty thousand dollars per day of violation, or imprisoned for at least two years, but not more than four years, or both.

(D) Whoever knowingly violates a rule adopted under division (B) of section 3734.122 of the Revised Code shall be fined not more than twenty-five thousand dollars for each day of violation, or imprisoned for not more than one year, or both.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for such AN issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) A person issued a permit to operate, variance, or permit to install under section 3704.03 of the Revised Code shall pay the fees specified in the following schedule:

## (1) Fuel-Burning Equipment

Input capacity (million British thermal units per hour)	Permit to operate	Variance	Permit to install
0 or more, but less than 10	\$ 75	\$225	\$ 100
10 or more, but less than 100	210	450	390
100 or more, but less than 300	270	675	585
300 or more, but less than 500	330	900	780
500 or more	500	975	1000

Any fuel-burning equipment using only natural gas, propane, liquefied petroleum gas, or number two or lighter fuel oil shall be assessed a fee one-half of that shown.

## (2) Incinerators

Input capacity (pounds per hour)	Permit to operate	Variance	Permit to install
0 to 50	\$ 50	\$225	\$ 65
51 to 500	210	450	390
501 to 2000	270	675	585
2001 to 30,000	330	900	780
more than 30,000	500	975	1000

## (3) Process

Process weight rate (pounds per hour)	Permit to operate	Variance	Permit to install
0 to 1000	\$100	\$225	\$ 200
1001 to 5000	210	450	390
5001 to 10,000	270	675	585
10,001 to 50,000	330	900	780
more than 50,000	500	975	1000

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.

## (4) Storage tanks

Gallons (capacity)	Permit to operate	Variance	Permit to install
less than 40,000	\$150	\$225	\$ 195
40,000 or more, but less than 100,000	210	450	390
100,000 or more, but less than 400,000	270	675	585
400,000 or more, but			

less than 1,000,000	330	900	780
1,000,000 or more	500	975	1000
(5) Gasoline			
Gasoline dispensing facilities for each gasoline dispensing facility	Permit to operate	Variance	Permit to install
	\$20	\$100	\$50
(6) Dry cleaning			
Dry cleaning facilities For each dry cleaning facility	Permit to operate	Variance	Permit to install
	\$50	\$200	\$100

(7) Coal mining operations regulated under Chapter 1513. of the Revised Code shall, on and after July 1, 1983, be assessed a fee of two hundred fifty dollars per mine or location.

(C) A person issued a water discharge permit, renewal of a water discharge permit, or permit to install pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which such THE issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee
0 to 1000	0
1,001 to 5000	100
5,001 to 50,000	200
50,001 to 100,000	300
100,001 to 300,000	525
over 300,000	750

Notwithstanding the fee schedule specified in this division:

(1) The fee for a permit to install for new source treatment works with a design flow discharge of less than one thousand gallons per day shall be fifty dollars.

(2) On and after July 1, 1983, the THE fee for a permit to install and for a water discharge permit that is applicable to coal mining operation OPERATIONS regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost; however, EXCEPT THAT the total fee shall not exceed five thousand dollars. Such THE fee shall be paid at the time the application is submitted.

A person issued a modification of a water discharge permit shall pay a fee equal to one-half the fee that would otherwise be charged for a water discharge permit; however, EXCEPT THAT the fee for the modification shall not exceed four hundred dollars.

(D) A person applying for a plan approval for a public water supply system pursuant to section 6109.07 of the Revised Code shall pay a fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost; however, EXCEPT THAT the total fee shall not exceed five

thousand dollars. Such THE fee shall be paid at the time the application is submitted.

The following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological	\$250
chemical/radiological	250
nitrate/turbidity (only)	150

The fee for such THOSE services shall be paid at the time the request for the survey is made.

(E) Any person applying to the director for examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code, at the time the application is submitted, shall pay a fee of ten dollars. Upon approval from the director that the applicant is eligible to take the examination therefor, the applicant shall pay a fee in accordance with the following schedule:

Class I operator	\$25.00
Class II operator	35.00
Class III operator	45.00
Class IV operator	55.00

(F) A person issued a permit by the director for a NEW solid waste disposal facility OTHER THAN AN INCINERATION OR COMPOSTING FACILITY, OR A NEW INFECTIOUS WASTE TREATMENT FACILITY OTHER THAN AN INCINERATION FACILITY, OR A MODIFICATION OF SUCH AN EXISTING FACILITY THAT INCLUDES AN INCREASE IN THE TOTAL DISPOSAL CAPACITY OF THE FACILITY, pursuant to Chapter 3734. of the Revised Code shall pay a fee of ~~five hundred~~ TEN DOLLARS PER THOUSAND CUBIC YARDS OF DISPOSAL CAPACITY, OR ONE THOUSAND dollars, WHICHEVER IS GREATER, EXCEPT THAT THE TOTAL FEE FOR ANY SUCH PERMIT SHALL NOT EXCEED EIGHTY THOUSAND DOLLARS. A person issued a modification of any such A permit FOR A SOLID WASTE DISPOSAL FACILITY OR AN INFECTIOUS WASTE TREATMENT FACILITY THAT DOES NOT INVOLVE AN INCREASE IN THE TOTAL DISPOSAL CAPACITY OF THE FACILITY shall pay a fee of ~~five hundred~~ ONE THOUSAND dollars. A PERSON ISSUED A PERMIT TO INSTALL A NEW, OR MODIFY AN EXISTING, SOLID WASTE TRANSFER FACILITY UNDER THAT CHAPTER SHALL PAY A FEE OF TWO THOUSAND FIVE HUNDRED DOLLARS. A PERSON ISSUED A PERMIT TO INSTALL A NEW OR TO MODIFY AN EXISTING SOLID WASTE INCINERATION OR COMPOSTING FACILITY, OR AN EXISTING INFECTIOUS WASTE TREATMENT FACILITY USING INCINERATION AS ITS PRINCIPAL METHOD OF TREATMENT, UNDER THAT CHAPTER SHALL PAY A FEE OF ONE THOUSAND DOLLARS. THE INCREASE IN THE PERMIT FEES UNDER THIS DIVISION RESULTING FROM THESE AMENDMENTS DOES NOT

APPLY TO ANY PERSON WHO SUBMITTED AN APPLICATION FOR A PERMIT TO INSTALL A NEW, OR MODIFY AN EXISTING, SOLID WASTE DISPOSAL FACILITY UNDER THAT CHAPTER PRIOR TO SEPTEMBER 1, 1987; ANY SUCH PERSON SHALL PAY THE PERMIT FEE ESTABLISHED IN THIS DIVISION AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THESE AMENDMENTS. IN ADDITION TO THE APPLICABLE PERMIT FEE UNDER THIS DIVISION, A PERSON ISSUED A PERMIT TO INSTALL OR MODIFY A SOLID WASTE FACILITY OR AN INFECTIOUS WASTE TREATMENT FACILITY UNDER THAT CHAPTER WHO FAILS TO PAY THE PERMIT FEE TO THE DIRECTOR IN COMPLIANCE WITH DIVISION (J) OF THIS SECTION SHALL PAY AN ADDITIONAL TEN PER CENT OF THE AMOUNT OF THE FEE FOR EACH WEEK THAT THE PERMIT FEE IS LATE.

(G) Except as provided by divisions (C) and (D) of this section AND DIVISION (A)(2) OF SECTION 3734.05 OF THE REVISED CODE, any person applying for a permit, variance, or plan approval under Chapter 3704., 3734., 6109., or 6111. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

(H) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that DO ALL OF THE FOLLOWING:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of such THE fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or any other person subject to such THE fee;

(4) Prescribe measures which the director deems CONSIDERS necessary to carry out this section.

(I) When the director reasonably demonstrates that the cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds two and one-half times the fee for the issuance specified by this section, the director may condition the issuance on the payment by the person receiving the issuance of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of two and one-half times the fee specified under this section. The director shall not so condition issuances for which fees are prescribed in divisions (B)(7) and (C)(2) of this section.

(J) Unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, the fee required by this section for the issuance of a license, permit, variance, plan approval, or certification is payable within fifteen days of the effective date of such THE issuance.

(K) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meaning ascribed to such THOSE terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

SECTION 2. That existing sections 102.03, 133.01, 133.05, 133.06, 343.01, 343.02, 343.04, 343.05, 343.06, 343.07, 343.08, 343.99, 505.12, 505.27, 1502.04, 1502.05, 3707.39, 3707.40, 3707.42, 3734.01, 3734.02, 3734.021, 3734.022, 3734.04, 3734.05, 3734.06, 3734.07, 3734.08, 3734.09, 3734.10, 3734.101, 3734.11, 3734.12, 3734.13, 3734.18, 3734.31, 3734.99, and 3745.11, and section 343.03 of the Revised Code are hereby repealed.

SECTION 3. That Sections 13 and 36 of Am. Sub. H.B. 171 of the 117th General Assembly be amended to read as follows:

"Sec. 13. AGO ATTORNEY GENERAL

General Revenue Fund			
GRF 055-321	Operating Expenses	\$ 23,000,061	\$ 24,840,866
GRF 055-401	Special Investigations	\$ 125,000	\$ 75,000
GRF 055-423	Criminal Justice Services	\$ 386,000	\$ 434,250
GRF 055-498	State Match-Juvenile Justice	\$ 276,663	\$ 293,758
TOTAL GRF General Revenue Fund		\$ 23,787,724	\$ 25,643,874
General Services Fund Group			
106 055-612	General Reimbursement	\$ 2,630,342	\$ 3,901,987
107 055-624	Employment Services	\$ 625,808	\$ 661,833
418 055-615	Charitable Foundations	\$ 312,147	\$ 334,688
420 055-608	Attorney General Antitrust	\$ 28,167	\$ 29,292
421 055-617	Police Officers' Training Academy Fee	\$ 397,621	\$ 396,497
590 055-633	Peace Officer Private Security Fund	\$ 131,887	\$ 154,246
TOTAL GSF General Services Fund Group		\$ 4,925,970	\$ 5,377,523
Federal Special Revenue Fund Group			
306 055-620	Medicaid Fraud Control	\$ 1,228,975	\$ 1,335,763
381 055-611	Civil Rights Legal Service	\$ 203,580	\$ 212,062
383 055-634	Crime Victims Assistance	\$ 1,329,250	\$ 1,960,000
3C7 055-635	Juvenile Justice Program	\$ 3,798,672	\$ 3,734,008
TOTAL FED Federal Special Revenue Fund Group		\$ 6,560,477	\$ 7,231,833

State Special Revenue Fund Group						
108	055-622	Crime Victims Compensation	\$	1,448,318	\$	1,536,736
176	055-625	Victims Assistance Office	\$	145,343	\$	154,068
177	055-626	Victims Assistance Programs	\$	250,000	\$	260,000
417	055-621	Domestic Violence Shelter	\$	10,000	\$	10,400
419	055-623	Claims Section	\$	4,982,400	\$	4,982,400
XXX	055-624	SOLID AND HAZARDOUS WASTE BACKGROUND INVESTIGATIONS	\$	0	\$	125,000
TOTAL SSE State Special Revenue Fund Group			\$	6,836,061	\$	6,942,604 7,068,584
Intragovernmental Service Fund Group						
196	055-660	Workers' Compensation Section	\$	1,551,822	\$	1,653,058
TOTAL Intragovernmental Service Fund Group			\$	1,551,822	\$	1,653,068
Holding Account Redistribution Fund Group						
R03	055-629	Bingo License Refunds	\$	5,000	\$	5,200
R04	055-631	General Holding Account	\$	50,000	\$	52,000
R06	055-632	Antitrust Settlements	\$	10,000	\$	10,400
R18	055-630	Consumer Frauds	\$	75,000	\$	78,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	140,000	\$	145,600
TOTAL ALL BUDGET FUND GROUPS			\$	43,802,054	\$	46,004,768 47,119,703

#### Victims Assistance

The foregoing appropriation item 055-625, Victims Assistance Office, shall be used by the Attorney General to fund the operating expenses of the Victims Assistance Office.

The foregoing appropriation item 055-626, Victims Assistance Programs, shall be used by the Attorney General to provide financial assistance to local victim assistance programs under the terms and conditions of sections 109.91 and 109.92 of the Revised Code.

An intrastate transfer voucher in the amount of the appropriation for line items 055-625, Victims Assistance Office, and 055-626, Victims Assistance Programs, shall be used to transfer funds from the Victims of Crime Fund (Fund 402) in the Court of Claims to the Victims Assistance Office Fund (Fund 176) and the Victims Assistance Programs Fund (Fund 177) in the Attorney General's office. The Director of Budget and Management shall transfer the required amount within the first 10 days of each fiscal year.

#### Workers' Compensation Section

The foregoing appropriation item 055-660, Workers' Compensation Section, shall be used to receive payments from the Bureau of Workers' Compensation and the Industrial Commission to the Attorney General at the beginning of each quarter of each fiscal year, to fund all costs, including

overhead, incurred by the Attorney General in providing legal services to the Industrial Commission and the Bureau of Workers' Compensation during the ensuing quarter.

During fiscal year 1988, each quarterly payment shall be \$387,956. During fiscal year 1989, each quarterly payment shall be \$413,265. Such advance payments shall be subject to adjustment at the end of the quarter.

Payments into the Attorney General Claims Fund

Notwithstanding section 109.081 of the Revised Code, during the 1987-1989 fiscal biennium, nine per cent of all moneys collected by the Attorney General, either directly or by special counsel pursuant to section 109.08 of the Revised Code, on claims due the state shall be paid into the state treasury to the credit of the Attorney General Claims Fund. In fiscal year 1988, up to one per cent of such money may be used to pay the general operating expenses of the Office of the Attorney General, and in fiscal year 1989, up to two per cent of such money may be used to pay such general operating expenses.

Quarterly Collections Report

Within 30 days after the passage of this act AM. SUB. H.B. 171 OF THE 117th GENERAL ASSEMBLY, the Attorney General and the Director of the Office of Budget and Management shall submit to the Controlling Board a plan for the quarterly monitoring and reporting of increased collections provided for under this act. The first quarterly report under this plan shall be submitted to the Controlling Board no later than September 15, 1987.

SOLID AND HAZARDOUS WASTE BACKGROUND INVESTIGATIONS

OF THE FOREGOING APPROPRIATION ITEM 055-624, SOLID AND HAZARDOUS WASTE BACKGROUND INVESTIGATIONS, UP TO \$125,000 IN FISCAL YEAR 1989 SHALL BE TRANSFERRED FROM THE HAZARDOUS WASTE FACILITY MANAGEMENT FUND (FUND 503) AND THE HAZARDOUS WASTE CLEAN-UP FUND (FUND 505) IN THE ENVIRONMENTAL PROTECTION AGENCY FOR THE PURPOSE OF CONDUCTING BACKGROUND INVESTIGATIONS BY THE ATTORNEY GENERAL OF APPLICANTS FOR AND HOLDERS OF SOLID WASTE FACILITY PERMITS AND LICENSES AND HAZARDOUS WASTE FACILITY INSTALLATION AND OPERATION PERMITS.

Sec. 36. EPA ENVIRONMENTAL PROTECTION AGENCY

<u>General Revenue Fund</u>				
GRF 716-321	Central Support	\$	2,748,521 \$	3,009,523
GRF 717-321	Water Quality Monitoring and Assessment	\$	1,968,636 \$	2,489,815
GRF 719-321	Air Pollution Control	\$	3,772,576 \$	3,403,170
GRF 720-321	Wastewater Pollution Control	\$	3,319,632 \$	3,591,346
GRF 721-321	Public Water System Supervision	\$	1,824,946 \$	1,951,640
GRF 722-321	Land Pollution Control	\$	868,315 \$	736,823

				4,405,279
GRF 723-321	Planning	\$	130,341	\$ 141,275
GRF 715-412	Hazardous Waste Supplement	\$	1,428,463	\$ 2,034,514
GRF 715-601	Local Air Pollution Control	\$	2,188,987	\$ 2,276,546
TOTAL GRF	General Revenue Fund	\$	18,250,437	\$ 19,698,964
				23,303,099
<b>Federal Special Revenue Fund Group</b>				
352 715-611	Wastewater Pollution	\$	2,389,125	\$ 2,123,806
353 715-612	Public Water Supply	\$	714,406	\$ 714,406
354 715-614	Hazardous Waste Management	\$	3,122,999	\$ 3,096,684
356 715-616	Indirect Costs	\$	2,336,006	\$ 3,619,417
357 715-619	Air Pollution Control	\$	2,419,417	\$ 2,419,417
358 715-625	205-J Federal Planning	\$	1,976,976	\$ 1,772,883
361 715-601	Planning and Design	\$	1,000,000	\$ 1,000,000
362 715-606	Underground Injection Control	\$	116,018	\$ 124,030
363 715-610	Construction Grants	\$	4,163,927	\$ 4,377,469
TOTAL FED	Federal Special Revenue Fund Group	\$	19,238,876	\$ 19,250,112
<b>State Special Revenue Fund Group</b>				
178 715-604	Litter Control	\$	49,894	\$ 0
499 715-609	Emergency Village Capital Improvements	\$	115,000	\$ 115,000
500 715-608	Immediate Removal Special Account	\$	133,369	\$ 138,525
502 715-607	Solid Waste Facility	\$	213,693	\$ 208,749
508 715-621	Hazardous Waste Facility Management	\$	3,686,167	\$ 3,896,484
				5,332,407
504 715-622	Hazardous Waste Settlement	\$	400,000	\$ 148,312
506 715-623	Hazardous Waste Clean-up	\$	1,426,885	\$ 1,609,794
				3,509,787
592 715-627	Anti Tampering Settlement	\$	62,364	\$ 62,340
602 715-626	Motor Vehicle Inspection and Maintenance	\$	1,082,049	\$ 1,135,629
TOTAL SSR	State Special Revenue Fund Group	\$	7,169,271	\$ 7,810,669
				11,210,669
TOTAL ALL BUDGET FUND GROUPS		\$	44,658,584	\$ 46,909,648
				53,763,889

**Hazardous Waste Facility Board**

Of the foregoing appropriation item 715-412, Hazardous Waste Supplement, up to \$443,847 in fiscal year 1988 and \$472,031 in fiscal year 1989 may be used to pay the operating expenses of the Hazardous Waste

Facility Board in the implementation of its responsibilities under the state's hazardous waste program.

Air Pollution Control

The foregoing appropriation item 719-321, Air Pollution Control, shall be used to transfer \$592,430 in fiscal year 1988 from the General Revenue Fund to the Motor Vehicle Inspection and Maintenance Fund (Fund 602), using an intrastate transfer voucher. The funds shall be used for implementation of the Auto Emissions Inspection/Maintenance Program, upon the request of the Director of Environmental Protection and approval by the Director of Budget and Management. Before the end of fiscal year 1988, the Director of Budget and Management shall review the cash balance in the Motor Vehicle Inspection and Maintenance Fund and, with the advice of the Legislative Budget Office, shall recommend to the Controlling Board an amount to be transferred to the credit of the General Revenue Fund toward repayment of the \$592,430. If \$592,430 is not repaid in full in fiscal year 1988, this same review shall continue in each succeeding fiscal year until the General Revenue Fund is repaid the \$592,430.

LAND POLLUTION CONTROL

OF THE FOREGOING APPROPRIATION ITEM 722-321, LAND POLLUTION CONTROL, \$80,000 IN FISCAL YEAR 1989 SHALL BE USED TO HIRE FOUR PLANNERS IN THE DIVISION OF SOLID AND HAZARDOUS WASTE MANAGEMENT.

Solid Waste Facility

The foregoing appropriation item 715-607, Solid Waste Facility, shall be used for the purpose of administering and enforcing the solid waste provisions of Chapter 3734. of the Revised Code. Revenues collected under section 3734.08 of the Revised Code shall be credited to the Solid Waste Facility Fund (Fund 509).

Hazardous Waste Clean-Up Fund

In addition to the purposes set forth in sections 3734.20 and 3734.21 of the Revised Code relative to hazardous waste, the foregoing appropriation line item 715-623, Hazardous Waste Clean-Up Fund, may be used for the same purposes relative to polychlorinated biphenyls (PCBs)."

SECTION 4. That existing Sections 13 and 36 of Am. Sub. H.B. 171 of the 117th General Assembly are hereby repealed.

SECTION 5. The Director of Budget and Management shall transfer two per cent of the moneys collected under division (A) of section 3734.57 of the Revised Code through June 30, 1989, up to a maximum of \$125,000, from the Hazardous Waste Facility Management Fund created in section 3734.18 of the Revised Code and from the Hazardous Waste Clean-up Fund created in section 3734.28 of the Revised Code to the Solid and Hazardous Waste Background Investigations Fund created in section 3734.42 of the Revised Code to be used by the Attorney General solely for paying his costs of administering and enforcing the investigative procedures authorized in sections 3734.41 and 3734.47 of the Revised Code.

SECTION 6. (A) In order to facilitate the orderly establishment of county and joint solid waste management districts and the orderly development of the solid waste management planning process required under this act, during the period of one year after the effective date of this act or until the submission of a resolution or agreement required under division (B) of section 3734.52 of the Revised Code establishing an applicable county or joint solid waste management district, whichever is earlier, the Director of Environmental Protection shall not issue a permit to install a new solid waste facility, as "facility" is defined in section 3734.01 of the Revised Code, for which an application is pending under division (A) of section 3734.05 of the Revised Code on the effective date of this act and shall not issue a permit to modify an existing solid waste facility for which an application was submitted on or after January 1, 1988 but before the effective date of this act and is pending under that division. If a county has failed to submit a resolution or agreement as required under division (B) of section 3734.52 of the Revised Code, the Director may, as part of an order issued under division (D) of that section, extend the moratorium established under this division for such time as he determines is necessary to organize the district created in accordance with that order. Notwithstanding this division, if an applicant for a solid waste facility permit demonstrates, and the Director of Environmental Protection finds, that there is an emergency need for disposal capacity that may affect public health and safety unless the application is promptly acted upon, the Director may issue the permit to install the new solid waste facility.

If an application is pending on the effective date of this section for a permit to modify an existing municipally owned and operated landfill by expanding its disposal capacity and an emergency need for disposal capacity exists in the geographic area served by the landfill that may affect public health and safety, the Director shall continue to review the application for the permit for the modification during the moratorium established under this division.

(B) In order to facilitate the orderly development of solid waste management plans required under this act, the Director of Environmental Protection shall not issue a permit to install a new solid waste facility, as "facility" is defined in section 3734.01 of the Revised Code, or to modify an existing solid waste facility to expand the disposal capacity of a facility, for which an application is submitted under division (A) of section 3734.05 of the Revised Code on or after the effective date of this act during the period of time between the formation of a county or joint solid waste management district and the time when the district in which the facility is located or proposed to be located has an approved solid waste management plan or has been ordered to implement a plan prepared by the Director under section 3734.55 of the Revised Code unless the applicant demonstrates and the Director finds that there is no existing and readily available facility to dispose of the wastes intended for the facility and that issuance of the permit is in the public interest. Notwithstanding this division, the Director, after receiving a resolution adopted by the solid waste management policy committee of the county or joint solid waste management district in which the facility is located or proposed to be located requesting

DISAPPROVED June 24, 1988  
Richard D. Celeste  
GOVERNOR

issuance of a permit for the facility and after finding that issuance of a permit for the facility would not have an adverse effect on the solid waste management planning process required under sections 3734.52 to 3734.55 of the Revised Code, that failure to issue the permit would create an undue hardship on the applicant for the permit or the county or joint district requesting issuance of the permit, and that issuance of the permit is in the public interest, may, prior to approval of the solid waste management plan under section 3734.55 of the Revised Code or ordering the implementation of a plan under that section, issue a permit to install a new or to expand an existing solid waste disposal facility within the county or joint district for which a permit application is filed on or after the effective date of this act.

(C)(1) In order to facilitate the orderly establishment of county and joint solid waste management districts and the orderly development of the solid waste management planning process required under this act, during the period of one year after the effective date of this act or until the submission of a resolution or agreement required under division (B) of section 3734.52 of the Revised Code, whichever is earlier, no owner or operator of a solid waste facility shall dispose of any solid wastes, as "solid wastes" are defined in section 3734.01 of the Revised Code, in excess of the maximum daily amount specified for the month of March, 1988, in the information submitted to the Director under division (C)(3) of this section. If an owner or operator fails to submit that information, the Director may establish a maximum daily waste load for that facility that shall be effective during the periods specified in division (C)(1) of this section. The maximum daily waste load established by the Director for a facility whose owner or operator has not submitted the information shall not be subject to judicial review or constitute an action of the Director as that term is defined in section 3745.04 of the Revised Code. Violation of this division is deemed to constitute a violation of Chapter 3734. of the Revised Code for the purposes of section 3734.11 of the Revised Code.

(2) If a county has failed to submit a resolution or agreement as required under division (B) of section 3734.52 of the Revised Code, the Director may, as part of an order issued under division (D) of that section, extend the moratorium on capacity increases established under this division for such time as he determines is necessary to organize the district created in accordance with that order.

(3) Not later than thirty days after the effective date of this act, each owner or operator of a solid waste facility operating in this state shall transmit to the Director a certified statement as to the date in the month of March, 1988, on which the facility received its maximum daily amount of solid wastes during that month, a statement as to the total tons of solid wastes received by it for disposal on that date, and certified copies of all daily logs for that date. The statement shall be attested to for its accuracy by the owner of the facility or, if the owner is a corporation, by its chief executive officer.

If the owner or operator of a solid waste facility demonstrates, and the Director finds, that there is an emergency need for a temporary increase in the maximum daily amount of solid wastes that the facility may dispose of that may affect public health and safety unless an increase is

promptly authorized, the Director may issue an order providing for the increase needed to avert the emergency, provided that the increase shall be authorized only for such period of time as the emergency will exist.

(D) This section does not apply to any facility that meets either of the following qualifications:

(1) The facility is owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at premises owned by the generator;

(2) The facility exclusively disposes of wastes that are generated from the combustion of coal that is not combined in any way with garbage at one or more premises owned by the generator.

**SECTION 7.** Within one year after the effective date of this act, the Director of Environmental Protection shall adopt rules under division (A) of section 3734.02 and division (D) of section 3734.12 of the Revised Code establishing engineering design, construction, and operation standards governing solid waste disposal facilities that incorporate the best available technology with respect to such facilities. This section does not limit the authority of the Director to issue a permit for a solid waste disposal facility subject to terms and conditions incorporating the best available technology pursuant to division (A)(7) of section 3734.05 of the Revised Code prior to the adoption of those rules.

Within two years after the effective date of this act, the Director shall adopt rules under division (A) of section 3734.02 and division (D) of section 3734.12 of the Revised Code establishing location, engineering design, construction, and operation standards governing solid waste transfer facilities.

**SECTION 8.** Until the solid waste management plan of a county or joint solid waste management district established under section 343.01 of the Revised Code on or after the effective date of this act is approved or ordered to be implemented under section 3734.55 of the Revised Code, the board of county commissioners or directors of the county or joint district shall perform only such duties and exercise only such powers as pertain to the establishment of the district and to the preparation, adoption, approval, and submission of the solid waste management plan of the district and expend funds only for that purpose and for the purposes otherwise authorized by resolution of the solid waste management policy committee of the district under section 3734.57 of the Revised Code. Thereupon, the board of county commissioners or directors of the district shall perform all the duties and may exercise all the powers conferred upon the board or directors under Chapter 343. and sections 3734.52 to 3734.57 of the Revised Code.

Until a solid waste management plan for the district is approved or ordered to be implemented under section 3734.55 of the Revised Code, the board of county commissioners or directors of a county or joint district established prior to the effective date of this act shall, within the boundaries of the district established thereunder, continue to perform the duties and exercise the powers conferred upon the board or directors under

Chapter 343. of the Revised Code as that chapter existed immediately prior to the effective date of this act. Rules adopted by the board of county commissioners or directors of such a district under division (F) of section 343.01 of the Revised Code immediately prior to the effective date of this act shall remain in effect within the boundaries of the district as they existed on the effective date of this act until they are superseded by rules authorized to be adopted under the plan of the district approved under section 3734.55 of the Revised Code or until the board or directors are ordered to implement a plan prepared under that section.

SECTION 9. On July 1, 1991, the Director of Environmental Protection shall file a report with the General Assembly summarizing his experience regulating infectious waste treatment facilities under this act. The report shall specifically analyze the capacity of existing Ohio infectious waste treatment facilities to treat infectious waste generated in this state and shall advise the General Assembly as to whether statutory planning requirements are necessary to insure the adequacy of such capacity in the future.

SECTION 10. Within ninety days after the effective date of this act, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall jointly, on behalf of the state, request the Congress of the United States to enact legislation authorizing individual states to regulate the receipt at solid waste disposal facilities within their boundaries of solid wastes generated outside their boundaries.

SECTION 11. The amendments to sections 1502.04 and 1502.06 of the Revised Code by this act are not intended to supersede the earlier repeal, with delayed effective date, of those sections.

SECTION 12. Not later than one year after the effective date of this act, the Environmental Protection Agency shall prepare and submit to the General Assembly a study that discusses the future costs of cleaning up solid waste landfills in this state and recommends any additional solid waste disposal fees needed to pay those costs.

~~\_\_\_\_\_  
Speaker \_\_\_\_\_ of the House of Representatives.~~

~~\_\_\_\_\_  
President \_\_\_\_\_ of the Senate.~~

See next pages  
for signatures

Am. Sub. H. B. No. 592

161

Passed \_\_\_\_\_, 19\_\_\_\_

Approved \_\_\_\_\_, 19\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

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*Secretary of State.*

File No. \_\_\_\_\_

Effective Date \_\_\_\_\_

AN ACT

To amend sections 188.02, 192.01, 192.06, 193.06, 243.01, 243.02, 243.04 to 243.08, 243.09, 245.15, 505.57, 1602.04, 1602.05, 2107.30, 2707.40, 2707.42, 2724.01, 2724.02, 2724.021, 2724.022, 2724.04, 2724.05, 2724.06, 2724.07, 2724.08, 2724.09, 2724.10, 2724.101, 2724.11, 2724.12, 2724.13, 2724.14, 2724.15, 2724.21, 2724.29, and 2725.11; to amend new sections 243.03 and sections 243.011, 2724.121, 2724.122, 2724.40 to 2724.47, and 2724.49 to 2724.57; and to repeal sections 243.09 of the Revised Code and to amend Sections 15 and 26 of Am.

H. B. 171 of the 117th General Assembly to require the Director of Environmental Protection to adopt rules governing cleanup and enforcement of solid waste facilities; to authorize the Director to adopt rules governing financial responsibility of owners and operators of solid waste facilities; to require permits for landfills and incinerators for transfer facilities; to levy fees on the disposal of solid wastes; to require the Director to adopt a state solid waste management plan; to require the Director to require persons engaged in the collection, transportation, storage, or handling of solid wastes, including solid waste transfer stations, to provide disposal within the state or at a facility in the state; to prohibit disposal within the state of solid wastes generated outside the boundaries of this state, unless the Governor has issued a waiver authorizing disposal of such wastes within the state; to require the preparation and implementation of county or local solid waste management plans; to require that after all solid waste management plans are in effect at least one-half of all litter prevention and recycling grants be made to county and local solid waste management districts for the purpose of recycling; to prohibit former public officials and employees who exercised substantial administrative discretion in establishing or enforcing Chapter 243, or 2724, of the Revised Code from representing any person who is an applicant for or holder of a permit or license under Chapter 2724, of the Revised Code before any board, commission, or agency of the state or a political subdivision for twenty-four months after the end of their service as a public official or employee; to require background investigations by the Attorney General of applicants for and holders of solid waste facility permits and licenses and hazardous waste facility installation and operation permits; to establish regulatory fees for treatment and disposal of hazardous wastes generated outside the state in the higher of the rates applicable in the state where the waste is generated or the applicable rates of this state; to establish surcharges on regulatory fees for treatment and disposal of hazardous waste to fund local hazardous waste management programs; and to make an appropriation.

Introduced by

- MESSRS. DERRING-TROY-MECHLING-MALOTT-
- VUKOVICH-KRUPINSKI-BECREST-CERA-C. JONES-
- ROBERTS-MR. LUGAR-MR. BOGGS-MRS. PRINGLE-
- MESSRS. WILLIAMS-KOZJURA-MR. BINGER-
- MR. QUILTER-MR. CAMPBELL-MESSRS. R.E. HAGAN-
- CONNLEY-MR. BOSTER-MESSRS. MCLIN-VERICH-GUTHRIE-
- R.F. HAGAN-ASH-D. JOHNSON-HEALY-MOTT-
- MR. WHALEN-MESSRS. DOYLE-P. JONES-W. THOMPSON-
- STINZIANO-HINIO-WISE-GENEBERRY-MALLORY-
- HARTLEY-SCHUCK-HICKEY-MRS. SHEPHER-
- MESSRS. BURCH-FISHER-BUTTS-DESLAGER-CUPP-
- WATTS-MES. DRAKE-FURNEY-MESSRS. BOGGS-
- NETTLE-HORN-SCHAFFRATH-ZIMMERS-HOBSON-LEVET-
- RAY-WHITE-GILLMON

Passed by the House of Representatives.

Passed by Senate,

Filed in the office of the Secretary of State at Columbus, Ohio, on the

day of \_\_\_\_\_ A. D. 19\_\_

Secretary of State.

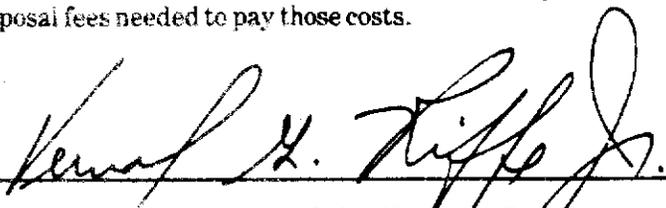
Chapter 343. of the Revised Code as that chapter existed immediately prior to the effective date of this act. Rules adopted by the board of county commissioners or directors of such a district under division (F) of section 343.01 of the Revised Code immediately prior to the effective date of this act shall remain in effect within the boundaries of the district as they existed on the effective date of this act until they are superseded by rules authorized to be adopted under the plan of the district approved under section 3734.55 of the Revised Code or until the board or directors are ordered to implement a plan prepared under that section.

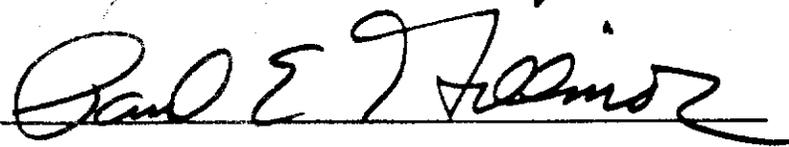
SECTION 9. On July 1, 1991, the Director of Environmental Protection shall file a report with the General Assembly summarizing his experience regulating infectious waste treatment facilities under this act. The report shall specifically analyze the capacity of existing Ohio infectious waste treatment facilities to treat infectious waste generated in this state and shall advise the General Assembly as to whether statutory planning requirements are necessary to insure the adequacy of such capacity in the future.

SECTION 10. Within ninety days after the effective date of this act, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall jointly, on behalf of the state, request the Congress of the United States to enact legislation authorizing individual states to regulate the receipt at solid waste disposal facilities within their boundaries of solid wastes generated outside their boundaries.

SECTION 11. The amendments to sections 1502.04 and 1502.05 of the Revised Code by this act are not intended to supersede the earlier repeal, with delayed effective date, of those sections.

SECTION 12. Not later than one year after the effective date of this act, the Environmental Protection Agency shall prepare and submit to the General Assembly a study that discusses the future costs of cleaning up solid waste landfills in this state and recommends any additional solid waste disposal fees needed to pay those costs.

  
\_\_\_\_\_  
Speaker \_\_\_\_\_ of the House of Representatives.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the Senate.

Passed June 2, 1988

Approved June 24, 1988

12 noon

Richard J. Celeste

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Roscoe Starn

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 24th day of June, A. D. 1988

Shirrod Brown

Secretary of State.

Section 1502.05 of the Revised Code is amended by this act and also by Am. Sub. H.B. 322 of the 117th General Assembly. Comparison of these amendments in pursuance of section 1.52 of the Revised Code discloses that they are not irreconcilable, so that they are required by that section to be harmonized to give effect to each amendment.

Roscoe Starn

Director, Legislative Service Commission

File No. 243

Effective Date June 24, 1988