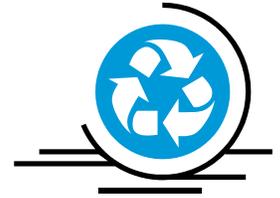


Local Solid Waste Management Planning Process

House Bill 592 (HB 592), signed into law on June 24, 1988, dramatically revised Ohio's outdated solid waste regulatory program. The law also established a solid waste management planning program to be implemented at both the state and local government levels. The bill emphasized the need to reduce Ohio's reliance on landfills for the disposal of waste by increasing solid waste reuse, recycling and minimization efforts. This fact sheet is one in a series explaining the provisions of HB 592 that make up Ohio's solid waste management planning program.



Applicable Laws and Regulations

- Ohio Revised Code (ORC) Sections 3734.54, 55, and 56 (the local solid waste management planning process)
- ORC Section 3734.53 (contents of a local solid waste management plan)
- Ohio Administrative Code (OAC) Rule 3745-27-90 (standards for solid waste management districts)

Who is responsible for local solid waste management planning?

Ohio law requires each county in Ohio, through the board of county commissioners, to be a member of a solid waste management district (SWMD) or a regional solid waste management authority (authority). SWMDs and authorities can consist of one or more counties. SWMDs and authorities are responsible for local solid waste management.

A SWMD is comprised of two bodies: a board of county commissioners or a board of directors and a policy committee. An authority is comprised of just one body, the board of trustees.

The policy committee of a SWMD and the board of trustees of an authority are responsible for preparing and obtaining approval of a local solid waste management plan (plan). The board of county commissioners or board of directors of a SWMD and the board of trustees of an authority are responsible for implementing the approved plan.

[For simplicity, "SWMD" is used to refer to a SWMD or an authority, and "policy committee" is used to refer to a policy committee or a board of trustees. "Board" is used to refer to a board of county commissioners, a board of directors, or a board of trustees.]

What is a solid waste management district plan?

A plan is a formal document that serves two overriding purposes:

- It provides for the safe management of the solid waste generated within the SWMD for all of the years covered by the plan (i.e., the "planning period"); and,
- It demonstrates how the SWMD will achieve the goals established in the state solid waste management plan.

A plan must cover a planning period of at least 10 years, but there is no limit on the number of years a plan can cover. Plans must be updated periodically, as is explained in the next section.

Plans are prepared by the policy committee in accordance with the requirements contained in the ORC, the OAC and a format prescribed by Ohio EPA (the *Solid Waste Management District Plan Format*). The format acts as instructions for preparing a plan.

Overview of the Local Planning Process

Preparing a plan is a time consuming process that consists of many steps. The major steps in this process are as follows:

- preparing the draft plan;
- Ohio EPA review and plan revisions;
- public comment period, public hearing, and adopting the draft plan;
- ratifying the draft plan; and,
- Ohio EPA review and approval or disapproval.

Local Solid Waste Management Planning Process

Preparing the Draft Plan

Policy committees prepared their initial plans shortly after SWMDs were formed. After its initial plan, a policy committee is required to prepare periodic updates to its plan. How often a policy committee must update its plan depends upon the number of years in the planning period of the current plan.

A policy committee is required to begin preparing its draft plan update no later than 15 months prior to the date the draft plan update is due to Ohio EPA (the due date). A policy committee is further required to obtain an approved plan update within the 18 months following the draft plan due date.

The key date for determining plan preparation milestones is the date the current plan was approved by Ohio EPA.

The due date for the draft plan update is either the third- or fifth-year anniversary of the date the current plan was approved by Ohio EPA.

- If the current plan covers fifteen or more years, then the draft plan update due date is five years from the date the current plan was approved by Ohio EPA.
- If the current plan covers less than fifteen years, then the draft plan update due date is three years from the date the current plan was approved by Ohio EPA.

Ohio EPA Review and Plan Revisions

Upon receiving the draft plan, Ohio EPA has 45 days to review it and issue comments to the policy committee. These comments are provided in a document called a non-binding advisory opinion (NBAO). The NBAO contains Ohio EPA's recommendations to the policy committee for revising the plan prior to ratifying the plan.

After receiving the NBAO, the policy committee makes whatever revisions it considers appropriate to address Ohio EPA's comments.

Public Comment Period, Public Hearing and Adoption of Draft Plan

Once revisions to a draft plan are complete, the policy committee makes the draft plan available for public comment and holds a public hearing.

Following the public hearing, the policy committee makes whatever changes it deems necessary to address comments received from interested parties.

After completing revisions to a draft plan, the policy committee takes a formal vote to adopt or reject the draft plan.

Ratifying the Draft Plan

Within 30 days after adopting a draft plan, the policy committee initiates a ratification procedure. Ratification is the process that the policy committee must follow to give the SWMD's communities the opportunity to approve or reject the draft plan. Each community has 90 days to read the plan and return a vote.

Once it has been ratified, the policy committee submits the draft plan to Ohio EPA for review and approval or disapproval.

Ohio EPA Review and Approval

Ohio EPA has 90 days to review a ratified plan and either approve or disapprove the ratified plan.

If Ohio EPA approves the ratified plan, then the director of Ohio EPA orders the board to implement the approved plan. The policy committee is also required to annually review implementation of the approved plan.

Ohio EPA Review and Disapproval

If Ohio EPA disapproves the ratified plan, then the director orders the policy committee to submit a revised, ratified plan that remedies deficiencies identified by Ohio EPA. The policy committee has 90 days to revise the plan, adopt the revised plan, complete the ratification process, and submit the revised, ratified plan to Ohio EPA.

Sample Plan Preparation and Approval Process Timeline

The following shows an example schedule for a SWMD operating under a plan that covers 16 years and was approved on Jan. 1, 2009.

Task	Deadline
Begin preparing plan update (15 months before draft plan due date)	Oct. 1, 2012
Draft plan due to Ohio EPA (5 years after current plan was approved)	Jan. 1, 2014
Ohio EPA review deadline (45 days after Ohio EPA received draft plan)	Feb. 15, 2014
Ratified plan due to Ohio EPA (90 days prior to approval deadline)	April 2, 2015
Ohio EPA review deadline and plan approval deadline (18 months after draft plan due date)	July 1, 2015

Local Solid Waste Management Planning Process

If the policy committee requests an extension for submitting the revised, ratified plan, then the director of Ohio EPA may grant one extension of 60 days. With the extension, the policy committee has a total of 120 days to submit a revised, ratified plan to Ohio EPA for review and approval. Ohio EPA has 30 days from the date the revised, ratified plan is received to either approve it or disapprove it.

If Ohio EPA approves the revised, ratified plan, then the director of Ohio EPA orders the board to implement the plan according to the implementation schedule contained in the approved plan.

If Ohio EPA disapproves the revised, ratified plan, then Ohio EPA is required to prepare a plan for the SWMD.

Ohio EPA is also required to prepare a plan for a SWMD if the SWMD is unable to obtain approval of its plan by the date 18 months after the draft plan was due to Ohio EPA.

Related Documents

The Division of Solid and Infectious Waste Management (DSIWM) developed a series of fact sheets describing the requirements from HB 592 that apply to Ohio's solid waste management planning program. The document numbers and titles of other available fact sheets are:

- 0196 – *House Bill 592*
- 0594 – *Ratification of Solid Waste Management District Disposal and Generation Fees*
- 0655 - *Ratification of Solid Waste Management District Solid Waste Management Plans*
- 0658- *Solid Waste Management Advisory Council*
- 0659- *State Solid Waste Management Plan*
- 1004 – *Local Solid Waste Management Plans*
- 1005 – *Solid Waste Management Districts*

The documents listed above and the current state plan can all be found on the SWMD/Planning Page on DSIWM's Web site.

Interested parties can also contact DSIWM to obtain hard copies of the fact sheets and the current state plan.

For More Information

Ohio EPA
Division of Solid and Infectious Waste Management
P.O. Box 1049
Columbus, Ohio 43215-1049
(614) 644-2621 (phone)
(877) 372-2621 (toll free)
(614) 728-5315 (fax)
www.epa.ohio.gov/dsiwm/

For more information about the planning process and solid waste management in your area, contact your local SWMD. To determine what SWMD you live in, use the *Map of Ohio's Solid Waste Management Districts* that is available on the SWMD/Planning Page on DSIWM's Web site.

To contact your SWMD, call or e-mail the coordinator listed on the *SWMD Coordinators and Policy Committee Chairpersons List* that is available on the SWMD/Planning Page on DSIWM's Web site. You can also contact DSIWM to get information about your SWMD.