
Construction and Demolition Debris (C&DD) Fees

PURPOSE

This educational guideline presents the C&DD fee requirements and the responsibilities of owners or operators of licensed C&DD and municipal solid waste facilities. The current C&DD fees were created by House Bill 432 (HB 432), effective April 15, 2005, and House Bill 66 (HB 66), effective July 1, 2006. As a result of these two house bills, ORC Chapter 3714 requires the owner or operator of such facilities to collect up to \$0.85 per cubic yard or \$1.70 per ton of C&DD.

APPLICABLE STATUTES

C&DD: ORC 3714.07
ORC 3714.071
ORC 3714.073

APPLICABLE RULES

C&DD: OAC 3745-520-50

DETAILED DISCUSSION

History

Prior to HB 432, the only fees C&DD facility owners and operators paid were licensing fees. HB 432 changed Ohio Revised Code (ORC) Chapter 3714, *Construction & Demolition Debris*, by replacing the existing licensing fee with a disposal fee in order to improve funding for licensing authorities, primarily health departments, to implement the C&DD program. The disposal fee established by HB 432 is \$0.30 per cubic yard or \$0.60 per ton if certified scales are used. Charging of the fee began on April 15, 2005, which is the effective date of the statute.

HB 432 also authorized Ohio EPA to create a ground water monitoring fee. Ohio EPA adopted Ohio Administrative Code Rule 3745-520-50 on October 18, 2007 (effective November 1, 2007), establishing the ground

water monitoring fee authorized by HB 432. This fee is \$0.05 per cubic yard, or \$0.10 per ton, and only applies to C&DD disposed of at C&DD landfills. The requirement to collect the fee began January 1, 2008. The fee is to be used by Ohio EPA and the local health departments to fund and conduct ground water monitoring at certain C&DD facilities that were in operation before April 15, 2005.

HB 66 became effective July 1, 2006. It added an additional fee on the disposal of C&DD to provide funding support to Soil and Water Conservation Districts and the Ohio Department of Natural Resources to offset the loss of general revenue funding. The disposal fee associated with HB 66 is \$0.50 per cubic yard or \$1.00 per ton.

Summary of Fees

Taken together, as of January 1, 2008, the total amount of fees required to be collected on the disposal of C&DD is as follows:

C&DD Disposed at C&DD facilities:
\$0.85 per cubic yard or \$1.70 per ton

C&DD Disposed at solid waste facilities:
\$0.80 per cubic yard or \$1.60 per ton

Statutory Exclusions

Owners and operators of both C&DD facilities and municipal solid waste landfills must collect the fee if they receive C&DD for disposal; however, municipal solid waste landfills may opt instead to collect the solid waste disposal fee on the C&DD they receive (see ORC 3734.57).

Also, if a solid waste landfill is not within 35 miles of a licensed C&DD facility, the owner or operator of the solid waste landfill is not required to collect the \$0.30 per cubic yard or \$0.60 per ton on C&DD disposed at the facility. The \$0.50 per cubic yard or \$1.00 per ton fee is still

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required to be collected.

Under some circumstances, fees are not required to be collected on certain types of construction and demolition debris when it is used in the construction or operation of a licensed C&DD facility. Specifically, fees are not required to be collected on source separated materials that are composed exclusively of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone when the material is used as:

- fire prevention measure (weekly cover) at a C&DD facility when the material is placed within the limits of waste placement but not within the unloading zone at a C&DD facility.
- fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, when the material is used outside the limits of waste placement in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade, and; the material is not placed within the loading zone.

For All Fees

ORC 3714.07 and ORC 3714.073 specify that the owner or operator of a facility shall collect fees as a trustee of the state or licensing authority (either the approved health department or Ohio EPA). All fees collected must be remitted to the appropriate licensing authority as specified in statute.

Fees are charged on each load of C&DD accepted for disposal at the facility. The owner or operator must either use certified scales to measure the weight of the debris or record the volume of the load.

The statute provides three volume based options for estimating the C&DD fees that are to be charged. The volume of the load may be recorded as either the maximum cubic yard capacity of the container or the maximum hauling volume of the vehicle. The third option is to determine the actual cubic yardage disposed in accordance with rules adopted by the director of Ohio EPA.

Rules 3745-400-11(B)(9) and 3745-27-19(E)(10) of the Administrative Code require that the owner or operator keep a daily log of operations on forms prescribed by the director of Ohio EPA. The forms include a place to record volume or weight of each load received. It can be used by the owner or operator to record actual volume, the maximum cubic yard capacity of the container, the hauling volume of the vehicle, or the tonnage determined by certified scales.

All fees required to be collected from customers must be transmitted to the licensing authority on a monthly or quarterly basis, as applicable. The monthly return (transmittal form) and fees need to be postmarked no later than 30 days after the month to which the fees were required to be collected. The fees may be remitted quarterly if an owner or operator enters into an agreement with the licensing authority. However, even if the fees are remitted quarterly, monthly returns without fees will still need to be submitted to the licensing authority.

If the owner or operator submits fees late, a charge of 10 percent is applied each month the fees are late. The owner or operator can request an extension of not more than 30 days. The request must be approved by the licensing authority.

No fees need to be collected at a C&DD facility for loads that are rejected from a C&DD facility. However, these loads need to be properly logged on the daily log of operations.

No fees need to be collected on material received at a C&DD facility for weekly cover that is not C&DD, such as soil, nontoxic foundry sand, etc.

Unidentifiable Material

Any loads of waste that are pulverized or otherwise rendered so that they are not readily identifiable as C&DD are prohibited from being accepted at the licensed C&DD facility.

If unidentifiable material is received at a municipal solid waste facility (assuming it does

Construction and Demolition Debris (C&DD) Fees

not contain hazardous waste, infectious waste, or other prohibited material), the receipt should be recorded as solid waste and solid waste fees, not C&DD fees, would apply (see ORC 3734.57).

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