

3745-502-01 Solid waste fee - definitions.

Terms are defined as follows:

- (A) "Asbestos" means or asbestos-containing waste material that is subject to the provisions of NESHAP 40 CFR Part 61, Subpart M (July 1, 2008).
- (B) "Board" means the board of directors of a joint solid waste management district, the board of county commissioners of a county solid waste management district, or the board of trustees of a solid waste management authority.
- (C)
 - (1) "Composting facility" means a designated facility where composting of solid waste occurs in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.
 - (2) "Construction and demolition debris" has the same meaning as in rule 3745-400-01 of the Administrative Code.
- (D)
 - (1) "Director" means the director of environmental protection or the director's authorized representative.
 - (2) "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 or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code.
 - (3) "District" means "solid waste management district" as that term is defined in paragraph (S)(7) of this rule.
 - (4) "District disposal fee" means a fee levied by a solid waste management district pursuant to division (B) of section 3734.57 of the Revised Code.
 - (5) "District generation fee" or "generation fee" means a fee levied by a solid waste management district pursuant to section 3734.573 of the Revised Code.
- (E)
 - (1) "Environmental protection fee" means a fee levied by the state pursuant to division (A)(3) of section 3734.57 of the Revised Code.
 - (2) "Excluded waste" means materials that are not "solid waste" as defined in division (E) of section 3734.01 of the Revised Code.

[Comment: See the definition of "solid waste" in paragraph (S)(4) of this rule.]
- (F)
 - (1) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid waste or, if the solid waste consist of scrap tires, for the collection, storage, or processing of the solid waste; for the transfer of solid waste; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(2) "Fiscal officer" means the fiscal officer of a township.

(G) [Reserved.]

(H)

(1) "Hazardous waste" means waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.

(2) "Host community fee" means a municipal corporation or township fee adopted pursuant to division (C) of section 3734.57 of the Revised Code.

(I)

(1) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid or infectious wastes to ash.

(2) "Industrial solid waste" means a type of solid waste generated by manufacturing or industrial operations and includes, but is not limited to, solid waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and food-related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; and transportation equipment. "Industrial solid waste" does not include solid wastes generated by commercial, agricultural, or community operations. Industrial solid wastes may be disposed in a licensed sanitary landfill facility, a licensed industrial waste landfill facility, or in a licensed residual waste landfill facility, provided that the class number for the residual waste landfill facility is not greater than the class number necessary for that residual waste as determined by the residual waste characterization and landfill classification in accordance with rules 3745-30-03 and 3745-30-04 of the Administrative Code.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) "Municipal solid waste" is a type of solid waste generated from community, commercial, and agricultural operations, including, but not limited to, the following:

(1) Solid waste generated by community operations, i.e. wastes derived from households (including single and multiple household residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

(2) Solid waste generated by commercial operations (including stores, offices, restaurants, warehouses, and other non-manufacturing activities).

(3) Solid waste generated from agricultural operations (including single-family and commercial farms, greenhouses, and nurseries).

(4) Sludge from municipal, commercial or industrial waste water treatment plants, water treatment plants, and air pollution control facilities that is co-disposed with wastes specified in paragraph (M)(1), (M)(2), (M)(3), or (M)(5) of this rule in a sanitary landfill facility.

(5) Fly ash and bottom ash generated from the incineration of municipal solid waste provided the fly ash and

bottom ash are not regulated as hazardous wastes.

(N) [Reserved.]

(O)

- (1) "Operator" or "facility operator" means the person responsible for the on-site supervision of technical operations and maintenance of a solid or infectious waste facility, or any parts thereof, which may affect the performance of the facility and its potential environmental impact or any person who has authority to make discretionary decisions concerning the daily operations of the solid or infectious waste facility. "Operator" also means the person responsible for the supervision of technical operations of a scrap tire transportation business.
- (2) "Owner" or "property owner" means the person who holds title to the property on which the solid waste facility, infectious waste treatment facility, or scrap tire transportation business is located.

(P) [Reserved.]

(Q) [Reserved.]

(R)

- (1) "Recycling" means the process of converting solid waste that would otherwise be disposed and returning the converted material to commerce as a commodity for use or exchange in an established and legitimate market. "Recycling" is not reuse, storage, disposal, or transfer.
- (2) "Residual solid waste" is a type of solid waste and means:
 - (a) The following wastes generated by fuel burning operations which are regulated by rule 3745-17-10 of the Administrative Code and which burn as fuel primarily coal: air pollution control wastes, water pollution control wastes, and other wastes with similar characteristics which are approved by the director.
 - (b) The following wastes generated from foundry operations: air pollution control dust, wastewater treatment plant sludge, unspent foundry sand, spent foundry sand, and other foundry wastes with similar characteristics which are approved by the director.
 - (c) The following wastes generated from pulp and papermaking operations: wastewater treatment plant sludges, lime mud, lime grit, sawdust, wood chips, bark, hydropulper rejects, and other pulp and papermaking wastes with similar characteristics which are approved by the director.
 - (d) The following wastes generated from steelmaking operations: air pollution control dust, wastewater treatment plant sludges, dust from steel processing and finishing operations, water softening sludge, flux material, and other steelmaking wastes with similar characteristics which are approved by the director.
 - (e) The following wastes generated from gypsum processing plant operations: gypsum wallboard waste, paper surface preparation dust, wastewater treatment plant sludge, and other gypsum processing wastes with similar characteristics which are approved by the director.
 - (f) The following wastes generated from lime processing operations: air pollution control dust and/or sludge, and other lime processing wastes with similar characteristics which are approved by the director.

- (g) The following wastes generated from portland cement operations: air pollution control dust and other processing wastes with similar characteristics which are approved by the director.

Residual wastes may be disposed in a licensed sanitary landfill facility without performance of the waste characterization and landfill classification specified in rules 3745-30-03 and 3745-30-04 of the Administrative Code, or in any licensed residual waste landfill facility provided that the class number for such a facility is not greater than the class number necessary for that residual waste as determined by the residual waste characterization and landfill classification in accordance with rules 3745-30-03 and 3745-30-04 of the Administrative Code.

- (3) "Reuse" means taking an object or material that would otherwise be disposed and using it for its original purpose or a similar purpose, without converting the object or material. "Reuse" does not include using an object or material as fill. "Reuse" is not recycling, storage, disposal, or transfer.

(S)

- (1) "Sanitary landfill facility" means an engineered facility where the final deposition of solid waste on or into the ground is practiced in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder, and includes the units within the limits of waste placement, all groundwater monitoring and control system structures, buildings, explosive gas monitoring, control, and extraction system structures, surface water run-on and runoff control structures, sedimentation ponds, liner systems, and leachate management system structures. The sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless an alternate setback is deemed acceptable by the director. If the owner or operator has not obtained approval of a permit to install, which delineates the setback from the limits of waste placement, submitted in accordance with section 3734.05 of the Revised Code, the sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless the property line of the facility is less than three hundred feet from the limits of waste placement, in which case the sanitary landfill facility includes those areas within the property line.
- (2) "Scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as scrap tires by visual inspection.

For purposes of this definition, "unwanted" means the original generator, original owner or manufacturer of the tire no longer wants to use, or is unable to use the tire for its original purpose, and "discarded" means the original scrap tire generator, original owner, or manufacturer of the tire has otherwise managed the tire in such a manner that disposal has occurred.

"Scrap tire" does not include the following:

- (a) A tire after it has been retreaded or regrooved for resale or reuse, unless it has been declared defective or has been returned to the seller or manufacturer for warranty adjustment.
- (b) A tire that is mounted and installed on a vehicle or trailer, or carried on the vehicle or trailer as the spare tire. Trucks with more than four wheels or with different size wheels or tires may carry more than one spare tire.

For purposes of this definition "installed" means placing the mounted wheel and tire assembly at any of the positions on a vehicle or trailer where a wheel and tire assembly was initially placed on the vehicle or trailer during manufacture and includes the position normally used for a spare tire or tires.

For purposes of this definition "mounted" means placing a tire on a wheel rim so that it can be installed on a vehicle. A mounted tire may be a scrap tire unless it is also installed.

- (c) Tires from non-motorized vehicles such as bicycles; or tires from small equipment such as lawn mowers, wheelbarrows, etc.

[Comment: Tires from non-motorized vehicles may be recycled or disposed as scrap tires, or may be disposed as solid waste.]

- (d) Only at a retreading business, a retreadable casing stored in an enclosed building or stored in a manner otherwise authorized or exempted by the director that the retreading business has inspected and individually labeled or marked the casing as suitable for retreading.

- (e) Tire derived fuel (TDF) or tire derived chips (TDC) after the TDF or TDC has been transported from the scrap tire recovery facility for use as a fuel or for an authorized beneficial use.

- (f) Non-pneumatic, hard, pressed tires, such as forklift tires.

- (3) "Scrap tire recovery facility" means any site, location, tract of land, installation, or building that is used or intended to be used for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires. Processing includes but is not limited to: a controlled combustion process, mechanical process, thermal process, or chemical process that uses whole, split, or shredded scrap tires as a raw material. Scrap tire recovery facility includes any facility that uses the controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of scrap tires in combination with another fuel.

- (4) "Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, 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 normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, 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, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

- (5) "Solid waste disposal facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid waste.

- (6) "Solid waste energy recovery facility" means any site location, tract of land, installation, or building where mixed solid waste or select solid waste streams, including scrap tires, is used as or intends to be used as fuel to produce energy, heat, or steam.

[Comment: A "solid waste energy recovery facility", which exclusively uses scrap tires and other approved rubber waste as fuel, may be regulated as a "scrap tire recovery facility."]

- (7) "Solid waste management district" or "district" means a county which has established a resolution, or joint counties which have entered into an agreement, for the purposes of preparing, adopting, submitting, and implementing a solid waste management plan for the county or joint counties and for the purposes of

providing for, or causing to be provided for, the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the county or joint counties and in compliance with Chapters 343. and 3734. of the Revised Code.

- (8) "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 are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include the following:
- (a) Any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less.
 - (b) Any facility that accepts scrap tires other than scrap tires which are accepted incidental to a mixed solid waste shipment.
 - (c) Any facility that accepts only source separated recyclables, except scrap tires, or commingled recyclables that are currently recoverable utilizing existing technology.
 - (d) Any facility that meets the following:
 - (i) Accepts mixed solid waste, except scrap tires.
 - (ii) Recovers for recycling not less than sixty per cent of the weight of solid waste brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year.
 - (iii) Disposes of not more than forty per cent of the total weight of solid waste brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year.
 - (e) A facility identified as any of the following:
 - (i) Solid waste disposal facility.
 - (ii) Scrap tire collection, storage, monofill, monocell, or recovery facility.
 - (iii) Premises at which the beneficial use of scrap tires occurs.
 - (iv) Construction and demolition debris facility.
- (9) "Source separated recyclables" means materials that have been separated from other solid waste at either the point of generation or the point of collection for the purpose of recycling the materials.
- (10) "State disposal fee" means a fee levied by the state pursuant to divisions (A)(1) and (A)(2) of section 3734.57 of the Revised Code.

(T)

- (1) "Treasurer" means the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer.
- (2) "Tire derived fuel" (TDF) or "tire derived chips" (TDC) means a uniformly shredded product obtained from whole tires where the maximum size of ninety-five per cent of the shreds are less than four inches in any dimension. TDC may be used as a civil engineering material or as feedstock for the manufacturing of crumb rubber or other tire derived material. TDC is defined using the ASTM D6270-98, section 3.1.29, for x-minus classified, size reduced scrap tires.

[Comment: Specifications of the "American Society for Testing and Materials" (ASTM). Information and copies may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are available for purchase at <http://www.astm.org>.]

- (U) "Unauthorized wastes" includes untreated infectious waste, waste oils, hazardous wastes, yard waste, lead-acid batteries, scrap tires, bulk containerized liquids, and any other materials not authorized for disposal at a solid waste facility.

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3745-502-02 Requirements for collecting, remitting, and reporting state disposal and environmental protection fees.

(A) Applicability.

This rule establishes the requirements for owners and operators of solid waste transfer and solid waste disposal facilities regarding collecting, remitting, and reporting state disposal fees and environmental protection fees levied on the transfer and disposal of solid waste as authorized by division (A) of section 3734.57 of the Revised Code. This rule also provides for specific exclusions from the obligations to collect, remit, and report state disposal and environmental protection fees.

(B) General requirements.

- (1) As a trustee of the state, the owner or operator of a solid waste disposal or solid waste transfer facility, as applicable, shall collect fees on the transfer or disposal of solid waste in accordance with the schedule levied under division (A) of section 3734.57 of the Revised Code.
- (2) The owner or operator of the solid waste facility located in this state that first receives the solid waste shall collect the state disposal and environmental protection fees on that solid waste.
 - (a) When solid waste is received at a solid waste transfer facility that is located in this state for subsequent transfer to a solid waste disposal facility, the owner or operator of the solid waste transfer facility shall collect and remit the applicable state disposal and environmental protection fees. Under these circumstances, the owner or operator of the receiving solid waste disposal facility shall not be required to collect the state disposal and environmental protection fees.
 - (b) When solid waste is transferred from one solid waste transfer facility that is located in this state to a second solid waste transfer facility, the owner or operator of the solid waste transfer facility where the waste is first accepted shall collect and remit the applicable state disposal and environmental protection fees. Under these circumstances, the owner or operator of the second solid waste transfer facility shall not be required to collect the state disposal and environmental protection fees.
 - (c) When solid waste is taken to a solid waste disposal facility that is located in this state without first being delivered to a solid waste transfer facility that is located in this state, the owner or operator of the solid waste disposal facility shall collect and remit the state disposal and environmental protection fees.
- (3) For purposes of computing the state disposal and environmental protection fees that shall be collected and remitted in accordance with this rule, the owner or operator of any solid waste disposal or solid waste transfer facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.
- (4) The state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste disposal or solid waste transfer facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator of the solid waste disposal or solid waste transfer facility or with a transporter of waste to the solid waste disposal or solid waste transfer facility that would not require or

allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

- (5) Anyone delivering waste to a solid waste disposal or solid waste transfer facility shall accurately identify the type of waste as well as the state and county where the waste originated to the owner or operator of the receiving solid waste disposal or solid waste transfer facility.
 - (a) Waste shall be classified on a load-by-load basis. A load consists of the waste that is transported in and on a single delivery vehicle including but not limited to a truck, an individual rail car, an individual roll-off container, and an individual transfer trailer.
 - (b) Anyone delivering a load of waste consisting of waste that originated in more than one county to a solid waste disposal or solid waste transfer facility shall reasonably estimate the percentage of the load that came from each county.
 - (c) The owner or operator of the solid waste disposal or solid waste transfer facility shall record, in the daily log, each load of waste received according to the following categories:
 - (i) Asbestos.
 - (ii) Construction and demolition debris.
 - (iii) Unauthorized waste.
 - (iv) Excluded waste.
 - (v) Industrial solid waste.
 - (vi) Municipal solid waste.
 - (vii) Source separated recyclables.
 - (d) Anyone delivering a load of waste that consists of solid waste commingled with either construction and demolition debris or another excluded waste shall identify the entire load as solid waste.
 - (6) The owner or operator of a solid waste disposal or solid waste transfer facility that receives a load of solid waste commingled with either construction and demolition debris or another excluded waste shall collect state disposal and environmental protection fees on the entire load of commingled waste in accordance with this rule.
- (C) Collection of state disposal and environmental protection fees at a solid waste transfer facility.
- (1) In the case of solid waste that is taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility for disposal, the owner or operator of the solid waste transfer facility shall collect the state disposal and environmental protection fees levied in accordance with division (A) of section 3734.57 of the Revised Code as a trustee for the state.
 - (2) If the solid waste that is accepted at the solid waste transfer facility is not processed at that solid waste transfer facility to remove materials for recycling, then the amount of fees required to be collected under this paragraph shall equal the total tonnage of solid waste received at the solid waste transfer facility multiplied by the state disposal and environmental protection fees levied under division (A) of section

3734.57 of the Revised Code.

(3) If the owner or operator of the solid waste transfer facility recovers recyclables from solid waste at the solid waste transfer facility, then the owner or operator of the solid waste transfer facility shall collect the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code in accordance with one of the following:

(a) The owner or operator of the solid waste transfer facility shall collect state disposal and environmental protection fees on the entire tonnage of solid waste received at the solid waste transfer facility. The amount of fees required to be collected under this paragraph shall equal the total tonnage of solid waste received at the solid waste transfer facility multiplied by the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.

[Comment: If the owner or operator of a solid waste transfer facility collects state disposal and environmental protection fees on the entire tonnage of solid waste received at the solid waste transfer facility and materials are subsequently recovered for recycling at the solid waste transfer facility, then the owner or operator of the solid waste transfer facility shall not retain any portion of the fees that were collected, including the fees that were collected on the materials that were recovered for recycling at the solid waste transfer facility. Because the owner or operator of the solid waste transfer facility is collecting the state disposal and environmental protection fees as a trustee of the state, it would not be appropriate for the owner or operator to retain any portion of the fees that are collected. Therefore, the owner or operator shall remit the entire amount of state disposal and environmental protection fees collected to the director.]

(b) The owner or operator of a solid waste transfer facility where ongoing, active material processing and recovery of recyclable materials takes place can apply for an adjustment factor to account for the material that will be recovered from the waste stream. If such an adjustment factor has been approved by the director in accordance with this rule, then the owner or operator of the solid waste transfer facility shall collect state disposal and environmental protection fees on the tonnage of solid waste received at the solid waste transfer facility that has been adjusted to account for material that will be recovered for recycling.

[Comment: This provision allows owners and operators of material recovery facilities, also referred to as MRFs, to adjust the amount of waste upon which they assess state disposal and environmental protection fees. In this manner, the adjustment allows the owner or operator of the MRF to account for the recyclable materials that will be recovered from mixed solid waste, and are therefore not subject to fees, prior to assessing state disposal and environmental protection fees on the solid waste received at the MRF.]

- (i) Prior to adjusting the tonnage of solid waste upon which state disposal and environmental protection fees are collected, the owner or operator of the solid waste transfer facility shall obtain approval from the director for the adjustment factor that will be used as the basis for the adjustment.
- (ii) The owner or operator of the solid waste transfer facility shall submit a request for an adjustment factor to the director in writing. The request shall include, at a minimum, a detailed description of the recovery process and the average recovery rate achieved at the solid waste transfer facility in the previous three calendar years. The owner or operator shall calculate the average recovery rate by dividing the tonnage of recyclable materials recovered from all solid waste processed at the solid waste transfer facility by the tonnage of all solid waste processed at the solid waste transfer facility during the calendar year. If the owner or operator requests an

adjustment factor that is not based on the recovery rate for the previous three calendar years, then the written request must include adequate information to justify the use of the requested adjustment factor.

- (iii) The amount of the adjustment shall equal the total tonnage of solid waste in a load received at the facility multiplied by the adjustment factor that was approved by the director.
- (iv) The owner or operator of the solid waste transfer facility shall collect fees on the total tonnage of solid waste received at the solid waste transfer facility minus the adjustment quantity calculated in accordance with paragraph (C)(3)(b)(iii) of this rule. The amount of fees required to be collected under this rule shall equal the adjusted tonnage of solid waste as calculated in accordance with this paragraph multiplied by the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.

[Comment: The following is an example of how to calculate the amount of state disposal and environmental protection fees that the owner or operator of the solid waste transfer facility would collect when recyclable materials are recovered from waste: In 2007, a load weighing ten tons is accepted at the solid waste transfer facility. In 2006, the owner or operator of the solid waste transfer facility recovered, on average, thirteen per cent of solid waste that was processed at the facility and received approval from the director for an adjustment factor of thirteen per cent. The owner or operator would collect fees on 8.7 tons of solid waste (10 tons x .13 = 1.3 tons; 10 tons - 1.3 tons = 8.7 tons.). Thus, the owner or operator would be required to remit forty-one dollars and thirty-three cents in state disposal and environmental protection fees to the director (8.7 tons x \$4.75 = \$41.33).]

- (v) If a load of solid waste is accepted at the solid waste transfer facility but is not processed to recover recyclable materials, then the owner or operator of the solid waste transfer facility shall collect state disposal and environmental protection fees on the entire tonnage of the load of solid waste.
- (vi) The owner or operator shall, in the annual report required in accordance with paragraph (AA) of rule 3745-27-23 of the Administrative Code, calculate the recovery rate achieved during the year for which the annual report was prepared.
- (vii) The owner or operator of the solid waste transfer facility shall request approval from the director for a revised adjustment factor if either of the following conditions occur:
 - (a) The recovery rate calculated in accordance with paragraph (C)(3)(b)(vi) of this rule is lower than the adjustment factor approved by the director in accordance with paragraph (C)(3)(b)(i) of this rule. In this case, the owner or operator of the solid waste transfer facility shall submit a request for approval of a revised adjustment factor to the director by no later than May first of the year in which the owner or operator was required to submit the annual report containing the lower recovery rate.
 - (b) At any time during the year, the owner or operator of the solid waste transfer facility alters either the process that is used to recover recyclables from solid waste or the types of recyclables recovered from solid waste in a manner that will result in a lower recovery rate. In this case, the owner or operator of the solid waste transfer facility shall submit a request for a revised adjustment factor to the director within thirty days after making the alteration.

The owner or operator of the solid waste transfer facility requesting approval for a revised adjustment factor shall continue to apply the existing approved adjustment factor until the

director has approved the revised adjustment factor.

(c) The owner or operator of a solid waste transfer facility where incidental amounts of recyclables are recovered from solid waste shall collect state disposal and environmental protection fees in accordance with either of the following:

(i) On each load of waste in accordance with paragraph (C)(3)(a) of this rule.

(ii) On the weight of each load of solid waste after recyclables have been recovered. The amount of fees the owner or operator of the solid waste transfer facility shall be required to collect under this paragraph shall equal the net tonnage of solid waste remaining in a load of waste after recyclables have been recovered multiplied by the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.

(4) If segregated loads of solid waste and construction and demolition debris are received at a solid waste transfer facility located in this state, are commingled at that solid waste transfer facility, and are transported off the premises of the solid waste transfer facility to a solid waste disposal facility for disposal, then all of the following apply:

(a) The owner or operator of the solid waste transfer facility shall collect the state disposal and environmental protection fees on the segregated solid waste received.

(b) The waste created by commingling solid waste and construction and demolition debris is solid waste.

(c) The owner or operator of the solid waste transfer facility shall remit the state disposal and environmental protection fees for the entire amount of commingled waste created by mixing solid waste and construction and demolition debris.

(d) The owner or operator of the solid waste disposal facility receiving the commingled solid waste and construction and demolition debris from the solid waste transfer facility shall not be required to collect the state disposal and environmental protection fees or the construction and demolition debris disposal fee levied under section 3714.07 of the Revised Code.

[Comment: The owners and operators of solid waste disposal facilities that receive the loads of commingled solid waste and construction and demolition debris will not be able to determine what portion of the load was assessed state disposal and environmental protection fees at the solid waste transfer facility or the portion of the load that still needs to be assessed state disposal and environmental protection fees. For fees of any kind to be assessed and collected on the portion of the commingled waste that was accepted as segregated construction and demolition debris at the solid waste transfer facility and is now solid waste, the owner or operator of the solid waste transfer facility, as the first solid waste facility to handle the commingled waste and the only entity that can determine what fees need to be remitted, is responsible for remitting the state disposal and environmental protection fees on the entire amount of commingled waste.]

(e) The owner or operator of a solid waste facility that meets all the following conditions can request that the director approve an alternative means of collecting state disposal and environmental fees on loads of commingled solid waste and construction and demolition debris when those wastes were received at a solid waste transfer facility as segregated loads, commingled at the solid waste transfer facility, and subsequently transported to a solid waste disposal facility as commingled waste:

(i) The solid waste transfer facility where the solid waste and the construction and demolition debris are commingled and the solid waste disposal facility where the commingled waste is taken for

disposal are both owned and operated by the same company.

- (ii) All waste that is transferred from the solid waste transfer facility where the solid waste and construction and demolition debris are commingled is transported to the same solid waste disposal facility.
- (iii) By the end of the working day, all waste that is accepted at the solid waste transfer facility is taken to the solid waste disposal facility.
- (iv) The daily logs at both the landfill facility and the solid waste transfer facility can be reconciled at the end of each working day to be consistent and accurate.

The owner or operator of the solid waste facility requesting an alternative means of collecting state disposal and environmental protection fees shall collect those fees in accordance with this rule until an alternative means of collecting state disposal and environmental protection fees has been approved by the director.

- (5) If segregated loads of solid waste and construction and demolition debris are received at a solid waste transfer facility, are managed as segregated waste streams at the solid waste transfer facility, and are transported as segregated loads of solid waste and construction and demolition debris off the premises of the solid waste transfer facility to a solid waste disposal facility for disposal, then all of the following apply:
 - (a) The owner or operator of the solid waste transfer facility shall collect the state disposal and environmental protection fees in accordance with paragraphs (C)(1) to (C)(3) of this rule.
 - (b) The owner or operator of the solid waste disposal facility receiving the solid waste from the solid waste transfer facility shall not be required to collect the state disposal and environmental protection fees on the solid waste.
 - (c) The owner or operator of the solid waste disposal facility receiving the construction and demolition debris from the solid waste transfer facility shall collect the applicable construction and demolition debris disposal fees in accordance with Chapter 3714. of the Revised Code.
- (6) If commingled loads of solid waste and construction and demolition debris are received at the solid waste transfer facility, then the entire load of commingled solid waste and construction and demolition debris is solid waste and the owner or operator of the solid waste transfer facility shall collect and remit state disposal and environmental protection fees on the entire load in accordance with this rule.

(D) Collection of state disposal and environmental protection fees at a solid waste disposal facility.

- (1) In the case of solid waste that is transported to a solid waste disposal facility located in this state without first being delivered to a solid waste transfer facility located in this state, the owner or operator of the solid waste disposal facility where the waste is received shall collect the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.
- (2) In the case of solid waste that is transported from a solid waste transfer facility that is located in this state to a solid waste disposal facility, the owner or operator of the receiving solid waste disposal facility shall not be required to collect the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.
- (3) In the case of solid waste that is transported from a solid waste transfer facility that is located outside of this state to a solid waste disposal facility located in this state without first being delivered to a solid

waste transfer facility located in this state, the owner or operator of the solid waste disposal facility shall collect the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.

- (4) The amount of the fees required to be collected under this paragraph by the owner or operator of the solid waste disposal facility shall equal the total tonnage of solid waste that was not previously taken to a solid waste transfer facility located in this state multiplied by the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code.
- (E) Submitting state disposal and environmental protection fee return forms and remitting state disposal and environmental protection fees to the director.
- (1) The owner or operator of a solid waste disposal or solid waste transfer facility that is required to collect state disposal and environmental protection fees pursuant to this rule shall prepare and file monthly state disposal and environmental protection fee returns on a form prescribed by the director.
 - (2) The monthly state disposal and environmental protection fee return forms required by paragraph (E)(1) of this rule shall indicate, at a minimum, the total tonnage of solid waste received at the facility during that month, the total amount of the state disposal and environmental protection fees required under this rule to be collected on that waste during that month, and the amount of state disposal and environmental protection fees remitted with the monthly state disposal and environmental protection fee return form.
 - (a) When solid waste is transferred from one solid waste transfer facility located in this state to a second solid waste transfer facility located in this state, the owner or operator of the second solid waste transfer facility shall indicate on the monthly state disposal and environmental protection fee return form the total tonnage of solid waste received from solid waste transfer facilities located in this state during that month for which state disposal and environmental protection fees were required to be collected by the owner or operator of the first solid waste transfer facility.
 - (b) The owner or operator of a solid waste disposal facility shall indicate on the monthly state disposal and environmental protection fee return form the total tonnage of solid waste received during that month from solid waste transfer facilities located in this state for which the state disposal and environmental protection fees were required to be collected by the owners or operators of those solid waste transfer facilities.
 - (3) The owner or operator of a solid waste disposal or solid waste transfer facility that is required to collect state disposal and environmental protection fees pursuant to this rule shall remit the entire amount of fees required to be collected to the director except as specified in paragraph (E)(5) of this rule.
 - (4) Not later than thirty days after the last day of the month to which a monthly state disposal and environmental protection fee return applies, the owner or operator of a solid waste disposal or solid waste transfer facility, as appropriate, shall either mail or, if acceptable to the director, electronically transmit to the director the monthly state disposal and environmental protection fee return form for that month together with the state disposal and environmental protection fees required to be collected under this rule during that month as indicated on the monthly state disposal and environmental protection fee return form.
 - (5) If the monthly state disposal and environmental protection fee return required by paragraph (E)(1) of this rule is filed and the amount of the state disposal and environmental protection fees due is paid in a timely manner as specified in paragraph (E)(4) of this rule, then the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the state disposal and environmental protection fees that is required to be paid as indicated on the monthly return form.

(F) Extensions and late fees.

- (1) The owner or operator of a solid waste disposal or solid waste transfer facility may request an extension of not more than thirty days for filing the state disposal and environmental protection fee return form and remitting the state disposal and environmental protection fees. The owner or operator shall submit the request in writing to the director together with a detailed description of why the extension is requested. For the request to be considered, the director must receive the request not later than the day on which the return is required to be filed. Such an extension shall not be effective unless the request has been approved by the director in writing.
- (2) If the state disposal and environmental protection fees are not remitted within the thirty days after the last day of the month to which the state disposal and environmental protection fee return applies or are not remitted by the last day of an extension approved by the director, then the owner or operator of the solid waste disposal or solid waste transfer facility shall not retain the three-fourths of one percent discount provided for in paragraph (E)(5) of this rule. In addition, the owner or operator shall pay a late fee. The late fee shall be an additional ten per cent of the amount of the state disposal and environmental protection fees for each month or any portion thereof that the fees are late. The late fee shall continue to accrue each month until the entire amount of state disposal and environmental protection fees is remitted.
- (3) The late fee shall be calculated using the following formula: total late fee due = (total amount of state disposal and environmental protection fees that are late) x (0.10) x (number of months that the state disposal and environmental protection fees are late, expressed as a whole number).
- (4) For purposes of calculating the late fee, all of the following apply:
 - (a) The first month in which state disposal and environmental protection fees are late begins on the first day after the deadline has passed for timely submitting the state disposal and environmental protection fee return and fees as specified in paragraph (E)(4) of this rule.
 - (b) One additional month shall be counted every thirty days thereafter.
 - (c) The full amount of the late fee (i.e. the full ten per cent) is accrued on the first day of each month that the state disposal and environmental protection fees are late.
 - (d) The late fee will not be prorated according to the number of days that the state disposal and environmental protection fees are late.

[Comment: The following is an example of how to calculate the amount of the late fee that shall be paid to the director: The owner or operator of a sanitary landfill facility is required to remit state disposal and environmental protection fees totaling one thousand dollars by June thirtieth. The owner or operator doesn't remit the fees until July first. The late fee would be calculated as follows: (\$1,000 x 0.10 x 1 = \$100.) Thus, the owner or operator is required to remit one thousand one hundred dollars by July thirty-first. If the owner or operator remits the fees on or after August first, then the owner or operator will owe a total of one thousand two hundred dollars (\$1,000 x 0.10 x 2).]

(G) Refunds and credits.

- (1) The owner or operator of a solid waste disposal or solid waste transfer facility may request a refund or credit of state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code and remitted to the director in accordance with this rule that have not been paid to the owner or operator.

- (2) Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable state disposal and environmental protection fees.
 - (3) An owner or operator may make a request for a refund or credit only if all of the following criteria have been met:
 - (a) The state disposal and environmental protection fees have not been collected by the owner or operator.
 - (b) The state disposal and environmental protection fees have become a debt for the owner or operator that has become worthless or uncollectible for a period of six months or more.
 - (c) For owners and operators of facilities that are subject to federal tax reporting requirements, the uncollected state disposal and environmental protection fees may be claimed as a bad debt deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the Internal Revenue Code of 1954, 68A Stat. 50, 26, U.S.C. 166, as amended through 2008, and regulations adopted under it.
 - (4) An owner or operator shall not include any costs resulting from efforts to collect unpaid state disposal and environmental protection fees in a request for a refund or credit.
 - (5) The owner or operator shall submit a request for a refund or credit in writing on a form prescribed by the director.
 - (6) A request for a refund or credit shall contain all of the following information:
 - (a) The name of the debtor.
 - (b) The date the solid waste was received and upon which the state disposal and environmental protection fees were to be collected by the owner or operator making the request.
 - (c) The name and address of the solid waste facility where the solid waste upon which the state disposal and environmental protection fees were to be collected was received.
 - (d) A detailed description of the efforts the owner or operator has taken to collect the state disposal and environmental protection fees including applicable supporting documentation.
 - (e) The dates and amounts of any payments made on the debt or account.
 - (f) Copies of invoices or accounts receivable records.
 - (7) The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator.
 - (8) A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve month period for fees owed to the owner or operator by a particular debtor.
 - (9) If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return along with a written explanation of the reason for the submittal.
- (H) Exemptions.
- (1) The director may issue an order exempting from the fees levied under division (A) of section 3734.57 of

the Revised Code solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director, or the director of administrative services on behalf of the director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.

(2) An order issued by the director under paragraph (H)(1) of this rule is a final action of the director.

(I) Exclusions and qualifications.

(1) The state disposal and environmental protection fees levied in accordance with division (A) of section 3734.57 of the Revised Code do not apply to any of the following:

- (a) Solid wastes that are disposed of at a solid waste disposal facility owned by the generator of the wastes when the solid waste disposal facility exclusively disposes of solid waste generated at one or more premises owned by the generator regardless of whether or not the solid waste disposal facility is located on a premises where the solid waste is generated.
- (b) Solid wastes that are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in conjunction with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.
- (c) 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, composting, or at another resource recovery or disposal facility that is not a sanitary landfill facility.
- (d) Solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility to either a solid waste transfer facility or a sanitary landfill facility for disposal, the owner or operator of the solid waste transfer facility or sanitary landfill facility shall collect the state disposal and environmental protection fees in accordance with this rule.
- (e) Materials that have been separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream as a result of recycling.

(2) When solid waste, other than solid waste that consists of scrap tires, is burned in a disposal facility that is an incinerator or an energy recovery facility, the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code shall be assessed on the disposal of the fly ash and bottom ash remaining after burning of the solid waste and shall be collected by the owner or operator of the sanitary landfill facility where the ash is disposed.

(3) When solid waste that consists of scrap tires is processed at a scrap tire recovery facility, the state disposal and environmental protection fees levied under division (A) of section 3734.57 of the Revised Code shall be assessed upon the disposal of the fly ash, bottom ash or other solid waste remaining after the processing of the scrap tires and shall be collected by the owner or operator of the sanitary landfill facility where the ash or other solid waste is disposed.

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CERTIFIED ELECTRONICALLY

Certification

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3745-502-03 Requirements for collecting, remitting, and reporting solid waste management district disposal and generation fees.

(A) Applicability.

This rule establishes the requirements for owners and operators of solid waste transfer and solid waste disposal facilities regarding collecting, remitting, and reporting district disposal and generation fees levied on the transfer and disposal of solid waste as authorized by division (B) of section 3734.57 of the Revised Code for district disposal fees and section 3734.573 of the Revised Code for district generation fees. This rule also provides for specific exclusions from the obligations to collect, remit, and report district disposal and generation fees.

(B) General requirements.

- (1) For purposes of computing the district disposal and generation fees that shall be collected and remitted in accordance with this rule, the owner or operator of any solid waste disposal or solid waste transfer facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.
- (2) The district disposal fees levied under division (B) of section 3734.57 of the Revised Code and district generation fees levied under section 3734.573 of the Revised Code are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste disposal or solid waste transfer facility notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator of the solid waste disposal or solid waste transfer facility or with a transporter of waste to the solid waste disposal or solid waste transfer facility that would not require or allow such payment.
- (3) Anyone delivering waste to a solid waste disposal or solid waste transfer facility shall accurately identify the type of waste as well as the state and county where the waste originated to the owner or operator of the receiving solid waste disposal or solid waste transfer facility.
 - (a) Waste shall be classified on a load-by-load basis. A load consists of the waste that is transported in and on a single delivery vehicle including but not limited to a truck, an individual rail car, an individual roll-off container, and an individual transfer trailer.
 - (b) Anyone delivering a load of waste consisting of waste that originated in more than one county to a solid waste disposal or solid waste transfer facility shall reasonably estimate the percentage of the load that came from each county.
 - (c) The owner or operator of the solid waste disposal or solid waste transfer facility shall record, in the daily log, each load of waste received according to the following categories:
 - (i) Asbestos.
 - (ii) Construction and demolition debris.
 - (iii) Unauthorized waste.
 - (iv) Excluded waste.
 - (v) Industrial solid waste.
 - (vi) Municipal solid waste.

(vii) Source separated recyclables.

(d) Anyone delivering a load of waste that consists of solid waste commingled with construction and demolition debris or another excluded waste shall identify the entire load as solid waste.

(C) Collection of district disposal fees.

(1) As a trustee of a district levying a district disposal fee in accordance with division (B) of section 3734.57 of the Revised Code, the owner or operator of a solid waste disposal facility located within the boundaries of the district levying the fee shall collect district disposal fees on the disposal of solid waste in accordance with the schedule established by the district under division (B) of section 3734.57 of the Revised Code.

[Comment: Division (B) of section 3734.57 of the Revised Code establishes the range at which district solid waste disposal fees can be set as:

One to two dollars per ton for solid waste generated within the boundaries of the district and disposed at a solid waste disposal facility located within the boundaries of the district.

Two to four dollars per ton for solid waste generated outside the boundaries of the district but within this state and disposed at a solid waste disposal facility located within the boundaries of the district.

One to two dollars per ton for solid waste generated outside the boundaries of this state and disposed at a solid waste disposal facility located within the boundaries of the district. The disposal fee levied on solid waste generated outside the boundaries of this state shall not be more than the disposal fee levied on solid waste generated within the district.

The per ton district disposal fee that the owner or operator of the solid waste facility shall collect depends upon both the fee schedule ratified by the solid waste management district and the point of origin of the solid waste. A solid waste management district must ratify district disposal fees before those fees become effective. Section 3734.57 of the Revised Code prescribes the process that a solid waste management district must undergo to ratify a fee.]

- (2) When solid waste is delivered to a solid waste transfer facility that is located in this state, the district disposal fees levied under division (B) of section 3734.57 of the Revised Code shall be assessed upon the disposal of solid waste transported off the premises of the solid waste transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed.
- (3) The amount of the fees required to be collected under this paragraph by the owner or operator of the solid waste disposal facility shall equal the tonnage of solid waste received at the solid waste disposal facility multiplied by the applicable district disposal fees levied under division (B) of section 3734.57 of the Revised Code.
- (4) The owner or operator of a solid waste disposal facility that receives a load of solid waste commingled with construction and demolition debris or another excluded waste shall collect district disposal fees on the entire load of commingled waste in accordance with this rule.
- (5) The owner or operator of a solid waste disposal facility that meets all of the following conditions can request that the director approve an alternative means of collecting district disposal fees on loads consisting of commingled solid waste and construction and demolition debris when the wastes were received at a solid waste transfer facility as segregated loads, commingled at the solid waste transfer

facility, and subsequently transported to the solid waste disposal facility as commingled waste:

- (a) The solid waste transfer facility where the solid waste and the construction and demolition debris are commingled and the solid waste disposal facility where the commingled waste is taken for disposal are both owned and operated by the same company.
- (b) All waste that is transferred from the solid waste transfer facility where the solid waste and construction and demolition debris are commingled is transported to the same solid waste disposal facility.
- (c) By the end of the working day, all waste that is accepted at the solid waste transfer facility will be taken to the solid waste disposal facility.
- (d) The daily logs at both the landfill facility and the solid waste transfer facility can be reconciled at the end of each working day to be consistent and accurate.

The owner or operator of the solid waste disposal facility requesting an alternative means of collecting district disposal fees shall collect the applicable district disposal fees in accordance with this rule until an alternative means of collecting district disposal fees has been approved by the director.

(D) General requirements for collecting district generation fees.

- (1) As a trustee of a district levying a generation fee in accordance with section 3734.573 of the Revised Code, the owner or operator of a solid waste disposal or solid waste transfer facility, as applicable, that receives solid waste from the district levying the generation fee shall collect district generation fees on the transfer or disposal of solid waste and remit those fees to the board in accordance with section 3734.57 of the Revised Code and this rule.

[Comment: The amount of the per ton district generation fee that the owner or operator of a solid waste disposal or solid waste transfer facility shall collect depends upon the fee schedule ratified by the district in which the solid waste was generated.]

- (2) District generation fees shall be collected on solid waste by the owner or operator of the solid waste disposal or solid waste transfer facility located in this state that first receives the solid waste.
 - (a) When solid waste is transported from a solid waste transfer facility that is located in this state to a solid waste disposal facility, the owner or operator of the solid waste transfer facility shall collect and remit the applicable district generation fees. Under these circumstances, the owner or operator of the receiving solid waste disposal facility shall not be required to collect the district generation fees.
 - (b) When solid waste is transferred from one solid waste transfer facility that is located in this state to a second solid waste transfer facility, the owner or operator of the first solid waste transfer facility where the waste is accepted shall collect and remit the applicable district generation fees. Under these circumstances, the owner or operator of the second solid waste transfer facility shall not be required to collect the district generation fees.
 - (c) When solid waste is taken to a solid waste disposal facility that is located in this state without first being delivered to a solid waste transfer facility that is located in this state, the owner or operator of the solid waste disposal facility shall collect and remit the district generation fees.
- (3) The owner or operator of a solid waste disposal or solid waste transfer facility that receives a load of solid waste commingled with either construction and demolition debris or another excluded waste shall

collect district generation fees on the entire load of commingled waste in accordance with this rule.

(E) Collection of district generation fees at a solid waste transfer facility.

- (1) In the case of solid waste that is taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility for disposal, the owner or operator of the solid waste transfer facility shall collect the district generation fees levied in accordance with section 3734.573 of the Revised Code.
- (2) If the solid waste that is accepted at the solid waste transfer facility is not processed at that solid waste transfer facility to remove materials for recycling, then the amount of fees that the owner or operator of the solid waste transfer facility shall be required to collect under this paragraph shall equal the total tonnage of solid waste received at the solid waste transfer facility multiplied by the district generation fees levied in accordance with section 3734.573 of the Revised Code.
- (3) If the owner or operator of the solid waste transfer facility recovers materials for recycling from solid waste at the solid waste transfer facility, then the owner or operator of the solid waste transfer facility shall collect district generation fees levied in accordance with section 3734.573 of the Revised Code in accordance with one of the following:
 - (a) The owner or operator of the solid waste transfer facility shall collect district generation fees on the entire tonnage of solid waste received at the solid waste transfer facility. The amount of fees required to be collected under this paragraph shall equal the total tonnage of solid waste received at the solid waste transfer facility multiplied by the district generation fees levied in accordance with section 3734.573 of the Revised Code.

[Comment: If the owner or operator of a solid waste transfer facility collects district generation fees on the entire tonnage of solid waste received at the solid waste transfer facility and materials are subsequently recovered for recycling at the solid waste transfer facility, then the owner or operator of the solid waste transfer facility shall not retain any portion of the fees that were collected, including the fees that were collected on the materials that were recovered for recycling at the solid waste transfer facility. Because the owner or operator of the solid waste transfer facility is collecting the district generation fees as a trustee of the board of the district levying the fees, it would not be appropriate for the owner or operator to retain any portion of the fees that are collected. Therefore, the owner or operator shall remit the entire amount of district generation fees collected to the board of the district levying the fees.]

- (b) The owner or operator of a solid waste transfer facility where ongoing, active material processing and recovery of recyclable materials takes place can apply for an adjustment factor to account for the material that will be recovered from the waste stream. If such an adjustment factor has been approved by the director in accordance with this rule, then the owner or operator of the solid waste transfer facility shall collect district generation fees on the tonnage of solid waste received at the solid waste transfer facility that has been adjusted to account for material that will be recovered for recycling.

[Comment: This provision allows owners and operators of material recovery facilities, also referred to as MRFs, to adjust the amount of waste upon which they assess district generation fees. In this manner, the adjustment allows the owner or operator of the MRF to account for the recyclable materials that will be recovered from mixed solid waste, and are therefore not subject to fees, prior to assessing district generation fees on the solid waste received at the MRF].

- (i) Prior to adjusting the tonnage of solid waste upon which district generation fees are collected, the

owner or operator of the solid waste transfer facility shall obtain approval from the director for the adjustment factor that will be used as the basis for the adjustment.

- (ii) The owner or operator of the solid waste transfer facility shall submit a request for an adjustment factor to the director in writing. The request shall include, at a minimum, a detailed description of the recovery process and the average recovery rate achieved at the solid waste transfer facility in the previous three calendar years. The owner or operator shall calculate the average recovery rate by dividing the tonnage of recyclable materials recovered from all solid waste processed at the solid waste transfer facility by the tonnage of all solid waste processed at the solid waste transfer facility during the calendar year. If the owner or operator requests an adjustment factor that is not based on the recovery rate for the previous three calendar years, then the written request must include adequate information to justify the use of the requested adjustment factor.
- (iii) The amount of the adjustment shall equal the total tonnage of solid waste in a load received at the facility multiplied by the adjustment factor that was approved by the director.
- (iv) The owner or operator of the solid waste transfer facility shall collect fees on the total tonnage of solid waste received at the solid waste transfer facility minus the adjustment quantity calculated in accordance with paragraph (E)(3)(b)(iii) of this rule. The amount of fees required to be collected under this rule shall equal the adjusted tonnage of solid waste as calculated in accordance with this paragraph multiplied by the district generation fees levied under section 3734.573 of the Revised Code.

[Comment: The following is an example of how to calculate the amount of district generation fees that the owner or operator of the solid waste transfer facility would collect when recyclable materials are recovered from waste: In 2007, a load weighing ten tons is accepted at the solid waste transfer facility. In 2006, the owner or operator of the solid waste transfer facility recovered, on average, thirteen per cent of solid waste that was processed at the facility and received approval from the director for an adjustment factor of thirteen per cent. The solid waste management district where the waste was collected levies a district generation fee of five dollars per ton of solid waste generated. The owner or operator would collect fees on 8.7 tons of solid waste (10 tons x .13 = 1.3 tons; 10 tons - 1.3 tons = 8.7 tons.). Thus, the owner or operator would be required to remit forty-three dollars and fifty cents in district generation fees to the board (8.7 tons x \$5.00 = \$43.50).]

- (v) If a load of solid waste is accepted at the solid waste transfer facility but is not processed to recover recyclable materials, then the owner or operator of the solid waste transfer facility shall collect district generation fees on the entire tonnage of the load of solid waste.
- (vi) The owner or operator shall, in the annual report required in accordance with paragraph (AA) of rule 3745-27-23 of the Administrative Code, calculate the recovery rate achieved during the year for which the annual report was prepared.
- (vii) The owner or operator of the solid waste transfer facility shall request approval from the director for a revised adjustment factor if either of the following conditions occur:
 - (a) The recovery rate calculated in accordance with paragraph (E)(3)(b)(vi) of this rule is lower than the adjustment factor approved by the director in accordance with paragraph (E)(3)(b)(i) of this rule. In this case, the owner or operator of the solid waste transfer facility shall submit a request for approval of a revised adjustment factor to the director by no later

than the first of May of the year in which the owner or operator was required to submit the annual report containing the lower recovery rate.

- (b) At any time during the year, the owner or operator of the solid waste transfer facility alters either the process that is used to recover recyclables from solid waste or the types of recyclables recovered from solid waste in a manner that will result in a lower recovery rate. In this case, the owner or operator of the solid waste transfer facility shall submit a request for a revised adjustment factor to the director within thirty days after making the alteration.

The owner or operator of the solid waste transfer facility requesting approval for a revised adjustment factor shall continue to apply the existing approved adjustment factor until the director has approved the revised adjustment factor.

- (4) The owner or operator of a solid waste transfer facility where incidental amounts of recyclables are recovered from solid waste shall collect district generation fees in accordance with either of the following:

(a) On each load of waste in accordance with paragraph (E)(3)(a) of this rule.

(b) On the weight of each load of solid waste after recyclables have been recovered. The amount of fees the owner or operator of the solid waste transfer facility shall be required to collect under this paragraph shall equal the net tonnage of solid waste remaining in a load of waste after recyclables have been recovered multiplied by the district generation fees levied under section 3734.573 of the Revised Code.

(F) Collection of district generation fees at a solid waste disposal facility.

- (1) In the case of solid waste that is transported to a solid waste disposal facility located in this state without first being delivered to a solid waste transfer facility located in this state, the owner or operator of the solid waste disposal facility where the wastes are received shall collect the district generation fees levied in accordance with section 3734.573 of the Revised Code.
- (2) In the case of solid waste that is transported from a solid waste transfer facility that is located in this state to a solid waste disposal facility, the owner or operator of the receiving solid waste disposal facility shall not be required to collect the district generation fees levied under section 3734.573 of the Revised Code.
- (3) The amount of the fees required to be collected under this paragraph by the owner or operator of the solid waste disposal facility shall equal the total tonnage of solid waste that was not previously taken to a solid waste transfer facility located in this state multiplied by the district generation fees levied under section 3734.573 of the Revised Code.

(G) Submitting district disposal and generation fee return forms and remitting district disposal and generation fees to the board.

- (1) The owner or operator of a solid waste disposal or solid waste transfer facility that is required to collect district disposal and generation fees pursuant to this rule shall prepare and file monthly district disposal and generation fee return forms on a form prescribed by the board.
- (2) The monthly district disposal and generation fee return forms required by paragraph (G)(1) of this rule shall indicate, at a minimum, the total tonnage of solid waste received at the facility during that month, the total amounts of the district disposal and generation fees required to be collected on that waste during that month under this rule, and the amounts of district disposal and generation fees remitted with

the monthly district disposal and generation fee return form.

(a) When solid waste is transferred from one solid waste transfer facility located in this state to a second solid waste transfer facility located in this state, the owner or operator of the second solid waste transfer facility shall indicate on the monthly district disposal and generation fee return form the total tonnage of solid waste received from solid waste transfer facilities located in this state during that month for which district generation fees were required to be collected by the owner or operator of the first solid waste transfer facility.

(b) The owner or operator of a solid waste disposal facility shall indicate on the monthly district disposal and generation fee return form the total tonnage of solid waste received during that month from solid waste transfer facilities located in this state during that month for which the district generation fees were required to be collected by the owners and operators of those solid waste transfer facilities.

(3) The owner or operator of a solid waste disposal or solid waste transfer facility that is required to collect district disposal and generation fees pursuant to this rule shall remit the entire amount of fees required to be collected to the board.

(4) Not later than thirty days after the last day of the month to which a monthly district disposal and generation fee return applies, the owner or operator of a solid waste disposal or solid waste transfer facility, as appropriate, shall either mail or, if acceptable to the board, electronically transmit to the board the monthly district disposal and generation fee return form for that month together with the district disposal and generation fees required to be collected under this rule during that month as indicated on the monthly district disposal and generation fee return form.

(H) Extensions and late fees.

(1) The owner or operator of a solid waste disposal or solid waste transfer facility may request an extension of not more than thirty days for filing the monthly district disposal and generation fee return form and remitting the district disposal and generation fees. The owner or operator shall submit the request in writing to the board together with a detailed description of why the extension is requested. For the request to be considered, the board shall receive the request not later than the day on which the district disposal and generation fee return form is required to be filed. Such an extension shall not be effective unless the request has been approved by the board in writing.

(2) If the district disposal and generation fees are not remitted within the thirty days after the last day of the month to which the district disposal and generation fee return applies or are not remitted by the last day of an extension approved by the board, then the owner or operator of the solid waste disposal or solid waste transfer facility shall pay a late fee. The late fee shall continue to accrue each month until the district disposal and generation fees are remitted. The late fee shall be an additional ten per cent of the amount of the district disposal and generation fees for each month or portion thereof that the fees are late.

(3) The late fee shall be calculated using the following formula: total late fee due = (total amount of district disposal and generation fees that are late) x (0.10) x (number of months that the district disposal and generation fees are late, expressed as a whole number).

(4) For purposes of calculating the late fee, all of the following apply:

(a) The first month in which district disposal and generation fees are late begins on the first day after the deadline has passed for timely submitting the return and fees as specified in paragraph (G)(4) of this

rule.

- (b) One additional month shall be counted every thirty days thereafter.
- (c) The full amount of the late fee (i.e. the full ten per cent) is accrued on the first day of each month that the district disposal and generation fees are late.
- (d) The late fee will not be prorated according to the number of days that the district disposal and generation fees are late.

[Comment: The following is an example of how to calculate the amount of the late fee that shall be paid to the board: The owner or operator of a solid waste disposal facility is required to remit district disposal fees totaling one thousand dollars by June thirtieth. The owner or operator doesn't remit the fees until July first. The late fee would be calculated as follows: ($\$1,000 \times 0.10 \times 1 = \$100.$) Thus, the owner or operator is required to remit one thousand one hundred dollars by July thirty-first. If the owner or operator remits the district disposal fees on or after August first then the owner or operator will owe a total of one thousand two hundred dollars ($\$1,000 \times 0.10 \times 2.$)]

(I) Exemptions.

- (1) The director may issue an order exempting from the fees levied under division (B) of section 3734.57 of the Revised Code or section 3734.573 of the Revised Code solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director, or the director of administrative services on behalf of the director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.
- (2) An order issued by the director under paragraph (I)(1) of this rule shall include a determination that the amount of the district disposal and generation fees not received by a district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan.
- (3) An order issued by the director under paragraph (I)(1) of this rule is a final action of the director.

(J) Exclusions and qualifications.

- (1) The district disposal fees levied in accordance with division (B) of section 3734.57 of the Revised Code and district generation fees levied in accordance with section 3734.573 of the Revised Code do not apply to the following:
 - (a) Solid wastes that are disposed of at a solid waste disposal facility owned by the generator of the wastes when the solid waste disposal facility exclusively disposes of solid waste generated at one or more premises owned by the generator regardless of whether or not the solid waste disposal facility is located on a premises where the solid waste is generated.
 - (b) Solid wastes that are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.
 - (c) 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, composting, or at another resource recovery or disposal facility that is not a sanitary landfill facility.

- (d) Materials that have been separated from a mixed waste stream for recycling by a generator and materials that have been recovered from the solid waste stream for recycling
- (2) The district disposal fees levied in accordance with division (B) of section 3734.57 of the Revised Code and the district generation fees levied in accordance with section 3734.573 of the Revised Code do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the district disposal fees levied under division (B) of section 3734.57 of the Revised Code and the district generation fees levied in accordance with section 3734.573 of the Revised Code shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.
 - (3) The district generation fees levied in accordance with section 3734.573 of the Revised Code do not apply to yard waste delivered to a solid waste composting facility for processing or to a solid waste transfer facility.
 - (4) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or an energy recovery facility, the district disposal fees levied under division (B) of section 3734.57 of the Revised Code shall be assessed upon the disposal of the fly ash and bottom ash remaining after burning the solid waste and shall be collected by the owner or operator of the sanitary landfill facility where the ash is disposed.
 - (5) Except as provided in section 3734.571 of the Revised Code, any district disposal fees levied under division (B)(1) of section 3734.57 of the Revised Code apply to solid waste originating outside the boundaries of a district that is 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 the district where the wastes are generated or disposed.
 - (6) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the district disposal fees levied under division (B) of section 3734.57 of the Revised Code shall be assessed upon the disposal of the fly ash, bottom ash, or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the sanitary landfill facility where the ash or other solid wastes are disposed.
 - (7) When solid wastes that are burned in a disposal facility that is an incinerator or a solid waste energy recovery facility are delivered to a solid waste transfer facility prior to being transported to the incinerator or solid waste energy recovery facility where they are burned, the district generation fee levied under division (A) of section 3734.573 of the Revised Code shall be assessed on the wastes delivered to the solid waste transfer facility and shall be collected by the owner or operator of the solid waste transfer facility.
 - (8) When solid wastes that are burned in a disposal facility that is an incinerator or a solid waste energy recovery facility are not delivered to a solid waste transfer facility prior to being transported to the incinerator or solid waste energy recovery facility where they are burned, the district generation fee levied under division (A) of section 3734.573 of the Revised Code shall be assessed on the wastes delivered to the incinerator or solid waste energy recovery facility and shall be collected by the owner or operator of the incinerator or solid waste energy recovery facility.

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3745-502-04 Requirements for collecting, remitting, and reporting host community fees.**(A) Applicability.**

This rule establishes the requirements for owners and operators of solid waste disposal and solid waste transfer facilities regarding collecting, remitting, and reporting host community fees levied on the disposal of solid waste as authorized by division (C) of section 3734.57 of the Revised Code. This rule also provides for specific exclusions from the obligations to collect, remit, and report host community fees.

(B) Collection of host community fees.

- (1) As a trustee of a municipal corporation or township levying a host community fee, the owner or operator of a solid waste disposal facility that is located within the boundaries of the township or municipal corporation levying the host community fee shall collect that fee on the disposal of solid waste at the solid waste disposal facility in accordance with the schedule established under division (C) of section 3734.57 of the Revised Code.
 - (a) A host community fee shall be not more than twenty-five cents per ton.
 - (b) The owner or operator of a solid waste disposal facility shall collect applicable host community fees regardless of where the wastes were generated.
- (2) When solid waste is delivered to a solid waste transfer facility located in this state, the host community fees levied under division (C) of section 3734.57 of the Revised Code shall be assessed upon the disposal of solid waste transported off the premises of the transfer station for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed.
- (3) The amount of the fees required to be collected under this paragraph by the owner or operator of the solid waste disposal facility shall equal the total tonnage of solid waste received at the solid waste disposal facility multiplied by the host community fee levied in accordance with division (C) of section 3734.57 of the Revised Code.
- (4) Although the host community fees levied under division (C) of section 3734.57 of the Revised Code are levied on the basis of tons as the unit of measurement, the legislative authority of the municipal corporation or township, in its ordinance or resolution levying the fees, may direct that the host community fees be levied on the basis of cubic yards as the unit of measurement. For purposes of computing the host community fees that shall be collected and remitted in those cases where cubic yards is the unit of measurement, the owner or operator of any solid waste disposal facility shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.
- (5) The host community fees levied under division (C) of section 3734.57 of the Revised Code are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste disposal facility notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator of the solid waste disposal facility or with a transporter of waste to the solid waste disposal facility that would not require or allow such payment.
- (6) Anyone delivering a load of waste to a solid waste disposal facility shall accurately identify the type of waste as well as the state and county where the waste originated to the owner or operator of the receiving disposal facility.

- (a) Waste shall be classified on a load-by-load basis. A load consists of the waste that is transported in and on a single delivery vehicle including but not limited to a truck, an individual rail car, an individual roll-off container, and an individual transfer trailer.
- (b) Anyone delivering a load of waste consisting of waste that originated in more than one county to a solid waste disposal facility shall reasonably estimate the percentage of the load that came from each county.
- (c) The owner or operator of the solid waste disposal facility shall record, in the daily log, each load of waste received according to the following categories:
 - (i) Asbestos.
 - (ii) Construction and demolition debris.
 - (iii) Unauthorized waste.
 - (iv) Excluded waste.
 - (v) Industrial solid waste.
 - (vi) Municipal solid waste.
 - (vii) Source separated recyclables.
- (d) Anyone delivering a load of waste that consists of solid waste commingled with construction and demolition debris or another excluded waste shall identify the entire load as solid waste.
- (7) The owner or operator of a solid waste disposal facility that receives a load of solid waste commingled with either construction or demolition debris or another excluded waste shall collect host community fees on the entire load of commingled waste in accordance with this rule.
- (8) The owner or operator of a solid waste disposal facility that meets all of the following conditions can request that the director approve an alternative means of collecting host community fees on loads consisting of commingled solid waste and construction and demolition debris when the wastes were received at a solid waste transfer facility as segregated loads, commingled at the solid waste transfer facility, and subsequently transported to the solid waste disposal facility as commingled waste:
 - (a) The solid waste transfer facility where the solid waste and the construction and demolition debris are commingled and the solid waste disposal facility where the commingled waste is taken for disposal are both owned and operated by the same company.
 - (b) All waste that is transferred from the solid waste transfer facility where the solid waste and construction and demolition debris are commingled is transported to the same solid waste disposal facility.
 - (c) By the end of the working day, all of the waste that is accepted at the solid waste transfer facility will be taken to the solid waste disposal facility.
 - (d) The daily logs at both the solid waste transfer facility and the disposal facility can be reconciled at the end of each working day to be consistent and accurate.

The owner or operator of the solid waste facility requesting an alternative means of collecting host community fees shall collect those fees in accordance with this rule until an alternative means of

collecting host community fees has been approved by the director.

- (C) Submitting host community fee return forms and remitting host community fees to the treasurer or fiscal officer.
- (1) The owner or operator of a solid waste disposal facility that is required to collect host community fees pursuant to paragraph (B) of this rule shall prepare and file monthly host community fee returns on a form prescribed by the municipal corporation or township.
 - (2) The monthly host community fee return forms required by paragraph (C)(1) of this rule shall indicate, at a minimum, the total tonnage of solid waste received at the facility during that month, the total amount of the host community fees required under this rule to be collected on that waste during the month, and the amount of host community fees remitted with the monthly host community fee return form.
 - (3) Not later than thirty days after the last day of the month to which a monthly host community fee return applies, the owner or operator of the solid waste disposal facility shall either mail or, if acceptable to the treasurer or fiscal officer, electronically transmit to the treasurer or fiscal officer the monthly host community fee return form for that month together with the host community fees which are required to be collected under paragraph (B) of this rule during that month as indicated on the monthly host community fee return form.
- (D) Extensions and late fees.
- (1) The owner or operator of a solid waste disposal facility may request an extension, of not more than thirty days, for filing the monthly host community fee return and remitting the host community fees. The owner or operator shall submit the request in writing to the treasurer or the fiscal officer together with a detailed description of why the extension is requested. For the request to be considered, the treasurer or fiscal officer shall receive the request not later than the day on which the host community fee return is required to be filed. Such an extension shall not be effective unless the request is approved by the treasurer or fiscal officer in writing.
 - (2) If host community fees are not remitted within the thirty days after the last day of the month to which the host community fee return applies or are not remitted by the last day of an extension approved by the treasurer or the fiscal officer, then the owner or operator of the solid waste disposal facility shall pay a late fee. The late fee shall continue to accrue until the host community fees are remitted. The late fee shall be an additional ten percent of the amount of the host community fees for each month or portion thereof that the fees are late.
 - (3) The late fee shall be calculated using the following formula: total late fee due = (total amount of host community fees that are late) x (0.10) x (number of months that the host community fees are late, expressed as a whole number).
 - (4) For purposes of calculating the late fee, all of the following apply:
 - (a) The first month in which host community fees are late begins on the first day after the deadline has passed for timely submitting the monthly host community fee return and fees as specified in paragraph (C)(2) of this rule.
 - (b) One additional month shall be counted every thirty days thereafter.
 - (c) The full amount of the late fee (i.e. the full ten per cent) is accrued on the first day of each month that the host community fees are late.

- (d) The late fee will not be prorated according to the number of days that the host community fees are late.

[Comment: The following is an example of how to calculate the amount of the late fee that shall be paid to the treasurer or fiscal officer: The owner or operator of a sanitary landfill facility is required to remit applicable host community fees totaling one thousand dollars by June thirtieth. The owner or operator doesn't remit the fees until July first. The late fee would be calculated as follows: ($\$1,000 \times 0.10 \times 1 = \100). Thus, the owner or operator is required to remit one thousand one hundred dollars by July thirty-first. If the owner or operator remits the host community fees on or after August first, then the owner or operator will owe a total of one thousand two hundred dollars ($\$1,000 \times 0.10 \times 2$).]

(E) Exemptions.

- (1) The director may issue an order exempting from the fees levied under division (C) of section 3734.57 of the Revised Code solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director, or the director of administrative services on behalf of the director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.
- (2) An order issued by the director under paragraph (E)(1) of this rule is a final action of the director.

(F) Exclusions and qualifications.

- (1) The host community fees levied in accordance with division (C) of section 3734.57 of the Revised Code do not apply to the following:
- (a) Solid wastes that are disposed of at a solid waste disposal facility owned by the generator of the wastes when the solid waste disposal facility exclusively disposes of solid waste generated at one or more premises owned by the generator regardless of whether or not the solid waste disposal facility is located on a premises where the wastes are generated.
- (b) Solid wastes that are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in conjunction with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.
- (c) 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, composting, or at another resource recovery or disposal facility that is not a sanitary landfill facility.
- (d) Solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility to a sanitary landfill facility for disposal, the owner or operator of the receiving transfer or sanitary landfill facility shall collect the host community fees in accordance with this rule.
- (e) Materials that have been separated from a mixed waste stream for recycling by a generator and materials that have been recovered from the solid waste stream for recycling.

- (2) When solid waste, other than solid waste that consists of scrap tires, is burned in a disposal facility that is an incinerator or an energy recovery facility, the host community fees levied under division (C) of section 3734.57 of the Revised Code shall be assessed on the disposal of the fly ash and bottom ash remaining after burning of the solid waste and shall be collected by the owner or operator of the sanitary landfill facility where the ash is disposed.
- (3) When solid waste that consists of scrap tires is processed at a scrap tire recovery facility, the host community fees levied under division (C) of section 3734.57 of the Revised Code shall be assessed upon the disposal of the fly ash, bottom ash, or other solid waste remaining after the processing of the scrap tires and shall be collected by the owner or operator of the sanitary landfill facility where the ash or other solid waste is disposed.
- (4) Collection of host community fees where the solid waste disposal facility is located in more than one municipal corporation or township.
 - (a) If a municipal corporation or township levies a host community fee on or after the effective date of this rule and a solid waste disposal facility is located in more than one municipal corporation and township, then each township and municipal corporation may adopt a host community fee. The host community fee adopted by each township and municipal corporation shall equal no more than twenty-five cents per ton divided by the number of townships and municipalities in which the facility is located.
 - (b) If a municipal corporation or township levied a host community fee prior to the effective date of this rule and a solid waste disposal facility is located in more than one municipal township or township, then each municipal corporation and township shall continue to levy a host community fee equal to twenty-five cents per ton times the fraction of the land area of the facility located within the township or municipal corporation. All owners and operators of solid waste disposal facilities shall cooperate fully with the municipal corporations and townships to establish the value of these fractions.

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3745-502-05 Construction and demolition debris disposal fee at municipal solid waste facility - multiple townships or municipal corporations.

For the fee levied under division (A) of section 3714.07 of the Revised Code:

- (A) If a solid waste facility is located within the territorial boundaries of more than one municipal corporation or township, each municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee divided by the number of municipal corporations and townships within which the facility is located.
- (B) The municipal corporation or township may appropriate this fee for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

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