

**3745-28-01 Infectious waste host fee - definitions.**

Terms are defined as follows:

- (A) [Reserved.]
- (B) [Reserved.]
- (C) "Clerk" means the clerk of the township.
- (D) [Reserved.]
- (E) [Reserved.]
- (F) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.
- (G) [Reserved.]
- (H) [Reserved.]
- (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) "Infectious waste host fee" means a fee levied by a municipal corporation or township in accordance with section 3734.024 of the Revised Code.
  - (3) "Infectious wastes" means any wastes or combination of wastes that includes cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:
    - (a) Laboratory wastes;
    - (b) Pathological wastes, including human and animal tissues, organs, body parts, and body fluids and excreta that are contaminated with or are likely to be contaminated with infectious agents or zoonotic agents;
    - (c) Animal blood and blood products;
    - (d) Animal carcasses and parts;
    - (e) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Also included are waste materials from the rooms of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the "Centers for Disease Control" in the public health service of the United States department of health and human services, if specific wastes generated under the universal precautions system have been identified as

infectious wastes by rules referred to in paragraph (I)(3)(g) of this rule.

(f) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;

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

(h) Any other waste materials the generator designates as infectious waste.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) [Reserved.]

(N) [Reserved.]

(O)

(1) "Off-site infectious waste treatment facility" means any facility for which a license is required under division (B) of section 3734.05 of the Revised Code or any solid waste incineration facility with a license issued under division (A) of section 3734.05 of the Revised Code which includes a notation authorizing the treatment of infectious wastes.

(2) "Operator" or "facility operator" means the person responsible for the on-site supervision of technical operations and maintenance of a solid waste, construction and demolition debris, infectious waste, or industrial facility, or any parts thereof, which may affect the performance of the facility and its potential health or environmental impact or any person who has authority to make discretionary decisions concerning the daily operation of the solid waste, construction and demolition debris, infectious waste, or industrial facility. "Operator" or "facility operator" also means the person responsible for the supervision of technical operations of a scrap tire transportation business.

(3) "Owner" means the person who holds title to the land on which the solid waste facility, industrial facility, construction and demolition debris facility, infectious waste treatment facility, or scrap tire transportation business is located or the person who owns a majority controlling interest in the facility.

(P) [Reserved.]

(Q) [Reserved.]

(R) [Reserved.]

(S) [Reserved.]

(T) "Treasurer" means the treasurer of a municipal corporation.

(U) [Reserved.]

(V) [Reserved.]

(W) [Reserved.]

(X) [Reserved.]

(Y) [Reserved.]

(Z) [Reserved.]

Effective: 03/01/2013

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CERTIFIED ELECTRONICALLY

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Certification

02/15/2013

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Date

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Statutory Authority: 3734.021, 3734.026  
Rule Amplifies: 3734.021, 3734.024, 3734.026  
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**3745-28-07 Infectious waste host fees.**

- (A) A municipal corporation or township in which an off-site infectious waste treatment facility or an off-site solid waste incinerator which also treats infectious wastes is located may levy an infectious waste host fee of not more than five dollars per ton on the treatment of infectious wastes at an off-site infectious waste treatment facility or an off-site solid waste incinerator which also treats infectious wastes located within the boundaries of the municipal corporation or township regardless of where the wastes were generated. The legislative authority of a municipal corporation or township may levy infectious waste host fees under this paragraph by enacting an ordinance or adopting a resolution establishing the amount of infectious waste host fees. Upon so doing, the legislative authority shall mail a certified copy of the ordinance or resolution to the director, the board of health of the health district having jurisdiction within the municipal corporation or township, and the owner or operator of each treatment facility located in the municipal corporation or township.
- (B) If a township or municipal corporation has enacted an ordinance or adopted a resolution levying infectious waste host fees on the off-site treatment of infectious wastes as authorized by section 3734.024 of the Revised Code, then the owner or operator of the off-site infectious waste treatment facility or off-site solid waste incinerator which also treats infectious wastes shall, as a trustee of the township or municipal corporation, commence collection of the fee on the sixtieth day after the effective date of the ordinance or adoption of the resolution.
- (C) The owner or operator of an off-site infectious waste treatment facility or an off-site solid waste incinerator which also treats infectious wastes shall prepare and file monthly infectious waste host fee returns with the treasurer or with the clerk. These infectious waste host fee returns shall indicate, at a minimum, the total tonnage of infectious wastes treated at a facility and the total amount of infectious waste host fees collected under section 3734.024 of the Revised Code. Monthly infectious waste host fee returns shall be filed on a form prescribed by the municipal corporation or township. Not later than sixty days after the end of the month to which such a return applies, the owner or operator shall remit to the treasurer or to the clerk the return for that month together with the infectious waste host fees that were required to be levied on all infectious waste treated during the month as indicated on the infectious waste host fee return. All infectious waste host fee returns shall be notarized.

If the infectious waste host fee return and infectious waste host fees are not remitted within sixty days of the last day of the month to which the return applies, the owner or operator shall pay an additional fifty percent of the amount of the infectious waste host fees for each month or fraction thereof that the fees were late. The late fee shall continue to accrue each month until the infectious waste host fees are remitted. The late fee shall be calculated using the following formula: total late fee due = (amount of infectious waste host fees that are late) x (.5) x (number of months that the infectious waste host fees are late, expressed as a whole number or fraction).

- (D) Moneys received by the treasurer shall be paid into the general fund of the municipal corporation. Moneys received by the clerk shall be paid into the general fund of the township. The treasurer or the clerk, as appropriate, shall maintain separate records of the moneys received from the infectious waste host fees levied under this rule.
- (E) Moneys collected under this rule shall be used exclusively for the following purposes:
- (1) Providing financial assistance to the board of health of the health district having jurisdiction within the municipal corporation or township for the enforcement of the infectious waste provisions of Chapter

3734. of the Revised Code and rules, orders, and terms and conditions of permits and licenses adopted or issued thereunder.

- (2) Providing local emergency response services in connection with such a facility and the transportation of infectious wastes to such a facility.
  - (3) Providing funding to a municipal corporation or township for conducting environmental monitoring programs in connection with off-site infectious waste treatment facilities located within the municipal corporation or township.
- (F) If an off-site infectious waste treatment facility is located in more than one township or municipal corporation, each may adopt an infectious waste host fee equal to the fraction of the land area of the facility located within the township or municipal corporation multiplied by five dollars per ton of infectious waste treated by the facility.

Five Year Review (FYR) Dates: 11/28/2014 and 11/28/2019

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