

## ***Guidance on the Payment of C&DD Fees and Recordkeeping at C&DD Facilities that are Recycling***

Management of construction and demolition debris (C&DD) in Ohio is changing. No longer do C&DD owners and operators only dispose of the C&DD they receive. With increasing regularity, the C&DD industry is processing C&DD in an effort to recover recyclable materials, either at the same facility where the landfill is located or at separate recycling operations. Ohio EPA supports the responsible recycling of C&DD in a manner that is protective of public health, safety and the environment. With the increasing occurrence of C&DD recycling, Ohio EPA has been asked to explain how this industry practice affects facility recordkeeping and the payment of C&DD fees.

ORC Section 3714.07 clearly levies C&DD fees on C&DD that is disposed. In an effort to provide guidance to C&DD landfill owners and operators regarding how to comply with this statute when recycling is involved, Ohio EPA offers the following recommendations regarding the payment of C&DD fees and the required recordkeeping.

### **Payment of C&DD fees at a licensed C&DD disposal facility where recycling is involved:**

If the facility conducts recycling of C&DD brought to the facility, C&DD fees are owed only on the C&DD that is disposed after recycling has occurred. Conducting recycling and disposal activities at a C&DD facility may create challenges for the owner and operator when assessing C&DD fees. It is the obligation of the facility owner and operator to keep accurate records of both the recycling activities and disposal activities in a manner that allows the licensing authority to determine that the appropriate amount of fees has been remitted. To ensure accurate records are being maintained, the facility should use the attached daily log form to record the activities at the facility<sup>1</sup>. This modified form allows the facility to maintain a separate record of the recycling activities and to clearly track the amount of material disposed. As indicated previously, the facility must remit all applicable disposal fees to the licensing authority based on the amount disposed.

### **Payment of C&DD fees at a C&DD recycling operation without any on-site disposal (off-site recycling operation):**

No disposal fees should be collected from the customer at the recycling operation (since no disposal will occur at the recycling operation).

**NOTE:** Depending upon the type of processing that occurs at an off-site C&DD recycling operation, the leftover debris resulting from C&DD recycling operations may be considered “pulverized debris<sup>2</sup>,” as that term is defined in Ohio Revised Code Section 3714.01, because removing the identifiable components would render the debris no longer identifiable as construction and demolition debris. In such cases, the debris cannot be accepted at a C&DD facility and instead must be disposed of at a solid waste landfill with the corresponding MSW disposal fees being paid.

<sup>1</sup> In accordance with Ohio Administrative Code 3745-400-11(B)(9), the owner or operator may use alternate forms, either in paper or electronic formats, for the daily log of operations, provided that all of the information requested on the prescribed forms is present.

<sup>2</sup> “Pulverized debris” means a load of debris that, after demolition has occurred, but prior to acceptance of the load of debris for disposal, has been shredded, crushed, ground, or otherwise rendered to such an extent that the load of debris is unidentifiable as construction and demolition debris.