



State of Ohio Environmental Protection Agency

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SUBJECT: Yard Waste Ban

REFERENCE: Ohio Administrative Code (OAC)
3745-27-01 - Definitions
3745-27-19 - Municipal Solid Waste Landfill Facility
3745-27-23 - Solid Waste Transfer Facility
3745-27-52 - Solid Waste Incinerator Facility

EFFECTIVE DATE: November 30, 1994

Purpose:

The purpose of this guidance is to outline and clarify the rule revisions developed to implement the State Solid Waste Management Plan's (**SSWMP**) recommendation of a yard waste **restriction** at municipal solid waste landfills, transfer facilities and incineration facilities. While noting that toxicity or contamination posed by yard waste is generally not considered an issue with municipal solid waste landfill disposal, the SSWMP concludes that a yard waste restriction will preserve solid waste landfill capacity and that there are proven alternative management options for yard waste. These options include but are not limited to, yard waste composting, backyard composting, and direct application to agricultural land. The **SSWMP** concludes that a yard waste restriction at an incineration facility will tend to lower the moisture content of the trash being incinerated and result in greater combustion efficiency and control over 'incineration temperatures.

Applicability:

This guidance is applicable to municipal solid waste landfills (**MSW**), solid waste transfer facilities and solid waste incineration facilities. This guidance is **Not** applicable to industrial or residual landfills or infectious waste generators or incinerators.

Definitions:

Yard waste - means solid waste that includes only leaves, grass clippings, brush, garden waste,, tree trunks, holiday trees, and **prunings from** trees or shrubs. Yard waste does **Not** include industrial or agricultural processing wastes.

Source separated yard waste - means yard waste that has been separated at the point of generation or at **the point** of collection **from** other **solid** wastes and includes, but is not limited to, such measures as placing yard waste in portable containers and compartments of portable containers dedicated to yard waste collection, and vehicles dedicated to yard waste collection.

Mixed yard waste - means yard waste that has been commingled **with** other solid wastes. Mixed yard waste does include **containerized source-separated** yard waste including, but not limited to, yard waste in paper or plastic bags where such bags are **commingled** with other solid wastes.



Incidental acceptance of yard waste - means source-separated or mixed yard waste **is** placed at the working face of the MSW landfill or commingled with other solid wastes at the **transfer or** incineration facility despite the owner or operator's implementation of a yard waste restriction program as specified in the subject rule.

Potential Enforcement Considerations:

Yard Waste Management

The requirement of the owner or operator of landfills, transfer facilities, and incineration facilities may not accept yard waste. (either mixed or source separated) for disposal or for transfer to landfills or incineration facilities. The owner or operator must post sign(s) stating the yard waste restrictions applicable to the facility. The sign(s) shall be posted in proximity to each public entrance of the facility.

The rules provide that the owner or operator may accept and dispose of source-separated yard waste at the MSW landfill, transfer facility or **incineration** facility if any of the following are applicable:

- a. If a publicly available **composting** facility registered or licensed in **accordance** with OAC Rules ~~3745-27-40~~ to ~~3745-27-46~~ is not accepting yard waste in the county in which the MS W **landfill**, transfer facility or incineration facility is located on the effective date of this rule, the owner or operator may continue to accept and dispose of **source-separated** yard waste at the MSW landfill, transfer facility or **incineration facility** until a registered or licensed **composting** facility begins accepting yard waste in the **county** in which the MSW landfill, transfer or incineration facility is located or until one hundred and eighty days (180) days after the effective date of this rule, whichever is earlier; OR
- b. The owner or operator may, for a temporary period of time, accept and dispose of yard waste resulting from storm damage or other natural catastrophe upon receipt of a written acknowledgement **from** the local solid waste management district of the need for the temporary disposal of yard waste, only if a **composting** facility **is** **Not** available or, if available, unable to accept the yard waste in the district where the storm damage waste was generated; OR
- c. The owner or operator may dispose of yard waste resulting from the incidental acceptance of yard waste where the **yard** waste has been placed at the working face of the MSW landfill, provided the owner or operator has a yard waste restriction program and complies with the yard waste restriction program rules.
- d. The owner or operator may accept a vehicle load of source-separated yard waste if that vehicle load has been **refused** acceptance by a **composting** facility **registered** or licensed in accordance with OAC Rules 3745-27-40 to 3745-27-46. The owner or operator shall obtain documentation of this **refused acceptance** by a **composting** facility upon acceptance of the **vehicle** at the MSW **landfill**, transfer facility or incineration facility. Such **documentation** shall identify the vehicle, the **vehicle's**

load, the **composting** facility which refused acceptance of the vehicle load, and the date of refusal on a form prepared by the Director. The owner or operator shall attach any **form(s)** received to the appropriate **required daily log** of operations.

- e. The owner or operator of **a:**
 - **municipal solid waste landfill** may **accept and** dispose of tree trunks and **stumps,**
 - **transfer facility** may accept tree **trunks** and **stumps** for transfer to a MSW landfill or incineration facility;
 - **incineration facility** may accept tree trunks and stumps for incineration.

Yard Waste Restriction Program

In order for the owner or operator of a MSW landfill to dispose of yard waste resulting from the incidental acceptance of yard waste the owner or operator **shall do the following:**

- i. Implement a written program. The program shall, at a minimum, consist of the following:
 - i. Procedures for notifying persons transporting solid waste to the MSW landfill of the yard waste restrictions at the facility, and
 - ii. Procedures for distributing information regarding alternative yard waste management methods, and
 - iii. Procedures for distributing information regarding the facility names and locations of Ohio EPA licensed or Ohio EPA registered composting facilities in the county in which the MSW landfill is located to persons transporting solid waste to the MSW landfill facility, and
 - iv. Procedures for identifying vehicles dedicated to yard waste collection or vehicles transporting portable containers dedicated to yard waste collection, and
 - v. Procedures for the recording of **instances** in which the MSW landfill facility refused acceptance of a vehicle load due to the presence of source separated yard waste or mixed yard waste in the vehicle load.
- 2. Place the yard waste restriction program document in the MSW landfill facility's **operating** record in accordance with OAC Rule **3745-27-09**. Incineration and transfer **facilities** are to maintain the yard waste restriction program document that their facility.
- 3. Yard waste restriction program compliance. The owner or operator of a municipal solid waste landfill facility shall review the yard waste restriction program and implement such revision(s) as the owner or operator deems necessary to ensure control of the acceptance of yard waste at the MSW landfill **facility when** either of the following occur:

- i. Upon discovery by the owner or operator that source-separated yard waste has been accepted for **disposal** at the **MSW** landfill facility, or
- ii. Upon **notification** by the Ohio **EPA** or the approved health department that **source-separated** yard waste has been **accepted** for disposal at the MSW landfill facility.

Common Questions and Answers (Q & A):

Q1: Why is **Ohio EPA** **requiring** MSW landfills, incineration facilities, and transfer **facilities** to restrict the acceptance of yard **waste**?

A1: The State Solid **Waste** Management Plan contains a recommendation that yard **waste** be restricted **from** **landfilling** and incineration. The State Plan concludes that a yard waste restriction will preserve solid waste **landfill** capacity and that **there** are several **available** proven **alternative** management **options** for **yard waste**. Ohio EPA has established rules **restricting** the **acceptance** of yard waste by MSW landfills, incineration facilities, and transfer facilities **in** order to implement the State **Plan's** recommendation.

Q2: Why has Ohio EPA **required** MSW **landfills**, incineration facilities, and transfer facilities to restrict yard waste instead of prohibiting solid waste transporters, local governments, and **citizens** from **sending** yard waste to MSW landfills, incineration facilities, and transfer facilities?

A2: While the Ohio law does require persons to use Ohio EPA licensed solid waste facilities, Ohio EPA cannot dictate which specific facility or type of facility must be used by transporters, haulers, or generators. The law does, however, authorize Ohio EPA to **establish** **rules** regarding the operation of solid waste facilities. Because Ohio EPA does not **regulate** generators and transporters of yard waste beyond the requirement to use a licensed facility, **the** operational requirement for MS W landfills, incineration facilities, and transfer facilities to restrict acceptance of yard waste is the sole means of implementing the State Plan's recommendation.

Please note that local governments and **local** solid waste management districts may have existing local requirements regarding yard waste collection and may regulate solid waste transporters. Please check to see what **local** restrictions may apply.

Q3: Does yard waste include all vegetative waste?

A3: No. Discarded fruits, vegetables, or foliage resulting from agricultural **processes**; vegetative waste resulting **from** **the** use of commercial products, such as discarded flowers, fruits, or vegetables; and vegetative waste from industrial processing such as food processing waste are not defined as yard waste and are not subject to the **yard waste** restrictions.

While these wastes are not defined as yard waste and not subject to the yard waste **restrictions**, optional **management** **options** may exist. For example, **Class II** composting facilities may accept **specified** source-separated organic wastes **with** the approval of the

Ohio EPA. Contact the **composting** facility to determine what wastes are approved for acceptance at a particular facility. If the facility is not approved for the waste, the **Class II composting** facility may request Ohio EPA review and approval.

Q4: Why can MSW landfills and incineration facilities accept tree trunks and stumps?

A4: Yard waste **composting** facilities may be **limited** by their equipment's capabilities to handle large tree trunks and stumps.

Q5: What is a yard waste restriction program?

A5: The yard waste restriction program seeks to establish procedures to inform, educate, and specifically refuse acceptance of **source-separated** yard waste. The program consists of procedures to inform solid waste haulers of the yard waste restrictions, to provide information on alternative yard waste management options, to identify **and refuse** acceptance of yard waste collection **vehicles** or loads of source-separated yard waste.

Q6: Are MSW **landfills**, incineration facilities, and transfer facilities required to have a yard waste restriction program?

A6: No, the yard waste restriction program is optional for MSW landfills, incineration facilities, and transfer facilities. The yard waste restriction program is optional since a few MSW landfills accept primarily industrial waste or waste **from** a single generator **which** does not involve yard waste.

Q7: Why should a MSW landfill, incineration facility, or transfer facility choose to implement a yard waste restriction program?

A7: MSW landfills, incineration facilities, and transfer facilities that do not have a yard waste restriction program **are prohibited from taking** yard waste, including source-separated and mixed yard wastes. Acceptance of any yard waste would constitute a violation.

MSW landfills, incineration facilities, and transfer facilities that do have a yard waste restriction program are also prohibited from taking yard waste. However, if any yard waste would be **landfilled** or incinerated despite the implementation of the yard waste restriction program, then the incident would **not** constitute a violation but rather trigger the facility operator to review the effectiveness of the facility's program and implement appropriate changes. Failure to implement **a facility's** program, or review the program upon an incidental acceptance of source-separated load of yard waste, or to implement those program changes deemed necessary by the facility operator, would constitute a violation.

Q8: Does Ohio EPA approve a facility's yard waste restriction program?

A8: No. A facility should develop and implement the yard waste restriction program in accordance with the rules. The facility's yard waste restriction program must comply with **the rules** in order to dispose of yard waste resulting from the incidental **acceptance** of yard waste, MSW landfills are to place the written yard waste restriction program into

the facility's operating record while incineration and transfer facilities must keep a copy available at the facility.

Q9: Are there any circumstances when a MS W landfill, incineration facility, or transfer **facility** can accept source-separated yard waste?

A9: Yes. The rules identify specific circumstances when a MSW landfill, incineration facility, or transfer facility can accept **source-separated** yard waste.

- a) For a six month period after the effective date of the yard waste restriction rules, landfills, incineration **facilities, and transfer** facilities may accept source-separated yard waste if the facility is located in a **county** where there is no operating or publicly available yard waste **composting** facility. Once a **composting** facility becomes available in the county, the MS W landfill, incineration facility or transfer facility cannot accept source-separated yard waste. After six months from the effective date of the rules, a MSW landfill, incineration facility or transfer facility cannot accept source-separated yard waste regardless of whether a operating or publicly available composting facility exists in the county.
- b) Upon obtaining the written acknowledgement of the solid waste management **district** of the need for the temporary disposal of yard waste, a MSW landfill, incineration facility, or transfer facility may temporarily accept source-separated yard waste resulting from storm **damage** or **other** natural catastrophe. The solid waste management district is the appropriate entity to make the determination that locally available yard waste management capacity is not **sufficient** to handle yard waste resulting from storm damage or other natural catastrophe.
- c) Upon obtaining the appropriate document., MSW landfills, incineration facilities, or transfer facilities may accept a vehicle load of source-separated yard **waste** if that vehicle load has been refused by a yard waste **composting** facility.

Guidance note:

This document is intended to be used for guidance purposes only. Completion of the activities and procedures outlined in this **document** shall not be construed to release an owner or operator **from** any requirement or obligation for complying with **Ohio** Revised Code. (ORC) Chapter 3734, the OAC **rules** adopted thereunder, or any authorizing document(s) or orders issued thereunder, nor shall it prevent Ohio EPA **from** pursuing enforcement actions to require an owner's or operator's compliance with ORC Chapter 3734, the OAC rules, or any authorizing document(s) or orders issued thereunder.

Point of Contact:

Ohio EPA
Division of Solid and Infectious Waste Management
Compliance Monitoring & Enforcement Unit