

### 3745-27-90 Standards for solid waste management districts.

This rule incorporates the goals established in the 2020 "State Solid Waste Management Plan" and the performance standards developed as specified in that plan. The 2020 "State Solid Waste Management Plan" establishes ten goals for solid waste management districts. Solid waste management districts have the option of achieving either goal 1 or goal 2 but are encouraged to achieve both. Goal 9 is optional. The goals of the 2020 "State Solid Waste Management Plan" and the performance standards incorporated into this rule are specified in the following table:

Goal	Subject	Rule Location
Goal 1	Opportunity to recycle	paragraph (E)
Goal 2	Waste reduction and recycling rate	paragraph (F)
Goal 3	Minimum outreach and education	paragraph (G)
Goal 4	Outreach plan and general requirements	paragraph (H)
Goal 5	Industrial programs and services	paragraph (I)
Goal 6	Restricted solid wastes, household hazardous waste, and electronics	paragraph (J)
Goal 7	Economic incentives	paragraph (K)
Goal 8	Greenhouse gas reduction	paragraph (L)
Goal 9	Market development	paragraph (M)
Goal 10	Reporting	paragraph (N)

(A) For the purposes of this rule, terms are defined as follows:

- (1) "Commercial recycling opportunities" means recycling service providers, drop off locations, buy back operations, scrap yards, and material recovery facilities that provide commercial and industrial sectors the ability to recycle. Commercial recycling opportunities include recycling opportunities that allow for the collection of at least five of the following materials:
  - (a) Corrugated cardboard.
  - (b) Mixed paper or any of the following grades of paper:
    - (i) Office paper.
    - (ii) Newspaper.
    - (iii) Magazines.
  - (c) Paperboard.
  - (d) Glass beverage and food containers.
  - (e) Steel beverage and food containers.
  - (f) Aluminum beverage and food containers.

(g) Plastic bottles and jugs.

(h) Pallets.

(i) Packaging.

[Comment: For the purposes of this rule, the term "commercial businesses" is used to refer to commercial businesses and institutions.]

(2) "Drop off recycling locations" means only those recycling locations that meet the following:

(a) Allow residents to easily find and access the site.

(b) Provide a minimum of six cubic yards of capacity.

(c) Include signs that provide at a minimum the following information:

(i) The location of the site.

(ii) The materials that are accepted.

(iii) The days and hours of operation.

(d) Are serviced in frequencies that meet the demand of the intended population, use of the site, and prevent overflows.

(3) "Full-service rural drop-off recycling location" means a drop-off recycling location in a political subdivision with a residential population of less than five thousand and at a minimum is available forty hours per week.

(4) "Full-service urban drop-off recycling location" means a drop-off recycling location in a political subdivision with a residential population of five thousand or more and at a minimum is available forty hours per week.

(5) "Mixed solid waste material recovery facility" means a facility where recyclables are recovered from mixed solid waste.

(6) "Non-subscription curbside recycling service" means a curbside recycling service that at a minimum is available as follows:

(a) To residents living in single-family homes.

(b) Such that residents are automatically enrolled in the curbside recycling service and automatically receive a collection receptacle.

(c) Such that a resident can choose not to participate but cannot opt out of paying for the curbside recycling service.

(d) To include a minimum pick up frequency of once every two weeks.

(7) "Part-time drop-off recycling location" means a drop-off recycling location in a political subdivision that is available at a regularly scheduled time at a minimum of once a month.

(8) "Political subdivision" has the same meaning as in division (F) of section 2744.01 of the Revised Code.

- (9) "Reference year" means the year prior to the year the solid waste management district begins preparing a solid waste management plan pursuant to section 3734.56 of the Revised Code unless otherwise designated in the solid waste management plan.
- (10) "Residential recycling opportunities" means subscription and non-subscription curbside recycling services, drop-off recycling locations, and mixed solid waste recovery facilities that provide residents with the ability to recycle. Residential recycling opportunities include recycling opportunities that allow for the collection of at least five of the following materials:
- (a) Corrugated cardboard.
  - (b) Mixed paper or any of the following grades of paper:
    - (i) Office paper.
    - (ii) Newspaper.
    - (iii) Magazines.
  - (c) Paperboard.
  - (d) Glass beverage and food containers.
  - (e) Steel beverage and food containers.
  - (f) Aluminum beverage and other containers.
  - (g) Plastic bottles and jugs.
- (11) "Subscription curbside recycling" means a curbside recycling service that at a minimum is available as follows:
- (a) To all residents living in single-family homes.
  - (b) To all residents that have trash collection service due to an ordinance, franchise agreement, or another mechanism established by the political subdivision.
  - (c) Such that residents decide whether to receive curbside recycling service.
  - (d) Only to those residents that subscribe and submit payment for the curbside recycling service.
  - (e) To include a minimum pick up frequency of once every two weeks.
- (B) A solid waste management district preparing a solid waste management plan pursuant to section 3734.55 of the Revised Code, amending a solid waste management plan pursuant to section 3734.56 of the Revised Code, or addressing a material change in circumstances pursuant to division (D) of section 3734.56 of the Revised Code shall prepare a solid waste management plan in accordance with paragraphs (C) to (M) of this rule and section 3734.53 of the Revised Code.
- (C) A solid waste management district shall prepare a solid waste management plan in a format prescribed by the director in accordance with division (A) of section 3734.53 of the Revised Code.
- (D) A solid waste management district shall submit the solid waste management plan to the director. The director shall not approve a solid waste management plan unless the director determines that the solid waste

management plan meets the requirements of this rule.

- (E) The solid waste management plan shall include a demonstration that residents and commercial businesses in each county of the solid waste management district have the opportunity to recycle solid waste.
- (1) The demonstration for providing residential recycling opportunities shall include the following:
- (a) An inventory of the residential recycling opportunities that existed in the reference year.
  - (b) Population credits assigned to curbside recycling services as follows:
    - (i) For a subscription curbside recycling service, the population credit is assigned using one of the following methods, whichever is greater:
      - (a) The total population of the political subdivision where subscription to a curbside recycling service is available multiplied by twenty-five per cent.
      - (b) The population of the political subdivision using the subscription curbside recycling service based on the actual number of subscriptions to the subscription curbside recycling service or another measure of participation.
      - (c) The number of households within the political subdivision with the ability to use the subscription curbside recycling service multiplied by 2.6 people per household multiplied by twenty-five per cent.
    - (ii) For a non-subscription curbside recycling service, the population credit is the total population of the political subdivision where a non-subscription curbside recycling service is available.
  - (c) Population credits assigned to drop-off recycling locations as follows:
    - (i) For a full-service urban drop-off recycling location, the population credit is five thousand.
    - (ii) For a full-service rural drop-off recycling location, the population credit is two thousand five hundred.
    - (iii) For a part-time drop-off recycling location, the population credit is two thousand five hundred.
    - (iv) The solid waste management district may assign a higher population credit to a drop-off recycling location if the solid waste management plan demonstrates higher participation based on the tons of recyclables recovered at the drop-off recycling location. The format prescribed by the director establishes the demonstration method.
  - (d) Population credits assigned to a mixed solid waste material recovery facility as follows:
    - (i) For a mixed solid waste material recovery facility that has an overall recovery rate of fifteen per cent or greater, the population credit is the population that generates the solid waste taken to the mixed solid waste material recovery facility.
    - (ii) For a mixed solid waste material recovery facility that has an overall recovery rate of less than fifteen per cent, a population credit is based on the following calculation:  
  
 The population that generates the solid waste taken to a mixed solid waste material recovery facility x (the recovery rate expressed as a percentage/fifteen per cent).

- (e) A calculation of the percentage of the residential population in each county of the solid waste management district that had the opportunity to recycle in the reference year. For the purposes of this rule, the calculation shall consist of summing the populations credits assigned to each recycling opportunity in accordance with paragraph (E)(1) of this rule, dividing the sum by the total population of the county, and multiplying the quotient by one hundred.
- (f) A demonstration of either of the following:
  - (i) The solid waste management district had sufficient recycling opportunities in the reference year to provide a minimum of eighty per cent of the residential population within each county of the solid waste management district the opportunity to recycle.
  - (ii) The solid waste management district will implement new or upgraded recycling opportunities to provide a minimum of eighty per cent of the residential population within each county of the solid waste management district the opportunity to recycle by the third anniversary of the date the director approved the solid waste management plan.
- (g) Details regarding the additional recycling opportunities the solid waste management district will implement pursuant to paragraph (E)(1)(f)(ii) of this rule and a demonstration that those opportunities will be implemented as follows:
  - (i) In accordance with a schedule established in the solid waste management plan.
  - (ii) By the third anniversary of the date the director approved the solid waste management plan.
- (h) A solid waste management district may submit a request to the director to reduce the eighty per cent opportunity to recycle established in paragraph (E)(1)(f) of this rule. The request shall contain a justification for how current and planned recycling opportunities are sufficient to achieve the specifications of paragraph (E)(1)(f) of this rule. Potential demonstration factors may include but are not limited to the following:
  - (i) Current or planned recycling drop-off sites are located on transportation corridors.
  - (ii) Current or planned recycling drop-off sites are located near the border of two political subdivisions within the district that serve residents from both political subdivisions.
  - (iii) Recycling drop-off locations are in high traffic areas.
  - (iv) Current or planned recycling drop-off sites are in areas where curbside service is not currently available.
  - (v) Drop-offs serve multi-family households.
  - (vi) Other factors requested by Ohio EPA.
- (i) A demonstration of either of the following:
  - (i) The solid waste management district will implement and maintain sufficient recycling opportunities throughout the entire planning period to provide a minimum of eighty percent of the residential population the opportunity to recycle.
  - (ii) If the director approved a waiver in accordance with paragraph (E)(1)(h) of this rule, how the solid waste management district will make sufficient recycling opportunities available

throughout the entire planning period for the approved per cent of the residential population.

- (j) Details of how the solid waste management district will encourage participation in available recycling opportunities.
- (2) The demonstration for providing commercial recycling opportunities shall include the following:
- (a) An inventory of the commercial recycling opportunities that existed in the reference year.
  - (b) A demonstration of one of the following:
    - (i) The solid waste management district had sufficient commercial recycling opportunities in the reference year to give commercial generators within each county of the solid waste management district the opportunity to recycle.
    - (ii) The solid waste management district will implement new or upgraded commercial recycling opportunities to give commercial generators within each county of the solid waste management district the opportunity to recycle by the third anniversary of the date the director approved the solid waste management plan.
  - (c) Details regarding the additional commercial recycling opportunities the solid waste management district will implement pursuant to paragraph (E)(2)(b)(ii) of this rule and a demonstration that those opportunities will be implemented as follows:
    - (i) In accordance with a schedule established in the solid waste management plan, and,
    - (ii) By the third anniversary of the date the director approved the solid waste management plan.
  - (d) A demonstration that the solid waste management district will implement and maintain sufficient commercial recycling opportunities throughout the entire planning period to give commercial generators within each county of the solid waste management district the opportunity to recycle.
- (3) If the solid waste management district achieved a reduction and recycling rate for the residential and commercial sector of less than twenty-five per cent in the reference year, the solid waste management plan shall provide a demonstration that the solid waste management district will achieve annual increases in the reduction and recycling rate for the residential and commercial sector.
- (F) The solid waste management plan shall demonstrate that the solid waste management district will meet the goal of a twenty five per cent waste reduction and recycling rate for solid wastes generated by the residential and commercial sector. At a minimum, the demonstration shall include the following:
- (1) An inventory of the solid waste generated by the residential and commercial sector that was recycled in the reference year.
  - (2) A calculation of the percentage of solid waste generated by the solid waste management district's residential and commercial sector that was reduced and recycled in the reference year. The format prescribed by the director establishes the calculation. A solid waste management district shall not credit the following materials to the calculation of achieving the reduction and recycling percentage:
    - (a) Train boxcars.
    - (b) Metals from motor vehicle salvage operations, including auto bodies, auto parts, and other vehicle bodies or parts.

- (c) Construction and demolition debris.
  - (d) Manure.
  - (e) Agricultural waste.
  - (f) Waste used as alternative daily cover pursuant to rule 3745-27-19 of the Administrative Code.
  - (g) Municipal sewage sludge, unless the solid waste management district can demonstrate the municipal sewage sludge previously was disposed in a solid waste landfill facility. The format prescribed by the director establishes the demonstration method.
  - (h) Recyclables collected through a recycling opportunity that are disposed or used within the limits of waste placement at a solid waste landfill facility.
- (3) A demonstration of either of the following:
- (a) The solid waste management district achieved a reduction and recycling rate of twenty-five per cent for the residential and commercial sector in the reference year.
  - (b) The solid waste management district will implement new or upgraded programs to reduce or recycle additional solid waste adequate to achieve a reduction and recycling rate of twenty five per cent for the residential and commercial sector by the third anniversary of the date the director approved the solid waste management plan.
- (4) Details regarding the additional reduction and recycling programs the solid waste management district will implement pursuant to paragraph (F)(3)(b) of this rule and a demonstration that those reduction and recycling programs will be implemented as follows:
- (a) In accordance with a schedule established in the solid waste management plan.
  - (b) By the third anniversary of the date the director approved the solid waste management plan.
- (5) A demonstration that the solid waste management district will maintain a minimum reduction and recycling rate of at least twenty-five per cent for the residential and commercial solid waste throughout the entire planning period.
- (G) The solid waste management plan shall demonstrate that the solid waste management district will provide at a minimum the following outreach and education resources:
- (1) A website.
  - (2) A comprehensive resource guide that includes a compilation of reduction and recycling opportunities for specific materials.
  - (3) An inventory of the currently available solid waste recycling opportunities and management infrastructure within the solid waste management district.
  - (4) A person who can function as a speaker or presenter when needed.
- (H) The solid waste management plan shall include an outreach and marketing plan that establishes the solid waste management district's strategy for providing education, outreach, marketing, and technical assistance regarding reduction, recycling, composting, reuse, and other alternative waste management methods. The

outreach and marketing plan shall include the following:

- (1) Strategies to address all the following target audiences within the solid waste management district:
  - (a) Residents, including those in single and multi-family units.
  - (b) Schools.
  - (c) Industries.
  - (d) Institutions and commercial businesses.
  - (e) Communities and elected officials.
- (2) A demonstration that the solid waste management district will adhere to the following best practices when selecting programs and strategies to address the target audiences specified in paragraph (H)(1) of this rule:
  - (a) Familiarization with the available solid waste management infrastructure within the district.
  - (b) Providing outreach within the context of the solid waste management infrastructure.
  - (c) Developing and implementing an effective outreach strategy that may include but is not limited to the following:
    - (i) Establishing measurable outcomes.
    - (ii) Understanding of the needs of different audiences.
    - (iii) Maintaining a consistent message across all marketing and outreach initiatives.
    - (iv) A focus on changing behavior within the district.
    - (v) An evaluation of the results of the outreach program to determine if the program achieved the desired outcome.
- (3) An outreach priority and a description of the programs the solid waste management district will provide for all appropriate target audiences to achieve the outreach goal.
- (I) The solid waste management plan shall include a strategic initiative for the industrial sector consisting of a minimum of three programs the solid waste management district will make available to industrial generators. The programs may include but are not limited to the following:
  - (1) Waste audits and assessments.
  - (2) Assistance with contracting for recycling services.
  - (3) Assistance with identifying grants for developing or improving recycling.
  - (4) Workshops.
  - (5) Assistance with establishing recycling and waste reduction programs.
  - (6) Assistance with improving existing recycling programs.



(7) Collaboration through the "Ohio Materials Marketplace."

[Comment: The "Ohio Materials Marketplace" is a free online platform allowing businesses and organizations to connect and find reuse and recycling solutions for waste and by-product materials. The Ohio EPA manages the "Ohio Materials Marketplace" with support from the US business council for sustainable development.]

(8) Business roundtables.

(9) Revolving loan funds.

(10) Waste reduction analysis.

(11) Extended producer responsibility opportunities.

(12) Industrial recycling cooperatives.

(13) Collection service.

(14) Other programs or activities identified by the solid waste management district or Ohio EPA.

(J) The solid waste management plan shall include strategies for managing the following:

(1) Scrap tires.

(2) Household hazardous wastes.

(3) Yard waste.

(4) Lead-acid batteries.

(5) Electronic devices.

(K) The solid waste management plan shall include an evaluation of how economic incentives can be incorporated into the solid waste management district's programs and activities.

(L) The solid waste management plan shall include an evaluation of the impact of recycling programs on reducing greenhouse gases.

(M) A solid waste management district may include market development strategies for promoting the use of recycled products and developing local markets for recovered materials in the solid waste management plan. A market development strategy is not a mandatory element of a solid waste management plan.

(N) A solid waste management district shall submit an annual district report to Ohio EPA on a form prescribed by the director not later than the first day of June each year. Information contained in the report shall be based on the previous calendar year. The report shall evaluate the solid waste management district's implementation of the strategies, programs, and activities listed in the implementation schedule of the solid waste management district's approved solid waste management plan and the progress made toward the waste reduction and recycling requirements established in paragraphs (E) to (M) of this rule. The annual district report shall include the following:

(1) A detailed account of the status of the ongoing, new, and proposed facilities, strategies, programs, and activities listed in the implementation schedule of the solid waste management district's approved solid

waste management plan.

- (2) An inventory of the solid waste management methods that are available in the solid waste management district as alternatives to landfilling such as reducing, recycling, and composting and the types and quantities of municipal solid waste, yard waste, and industrial waste managed by these methods during the year.
- (3) A description of waste reduction and recycling activities that occurred during the year and the amount reduced and recycled.
- (4) Quantities of waste generated in the solid waste management district that were disposed in out-of-state landfills.
- (5) Copies of revisions, additions, or rescissions of the solid waste management district's rules adopted under division (G) of section 343.01 of the Revised Code.
- (6) An inventory of municipalities and townships that levy a host community fee under division (C) of section 3734.57 of the Revised Code and the host community fee collected.

3745-27-90

Replaces: 3745-27-90

Effective: 12/1/2020

Five Year Review (FYR) Dates: 12/01/2025

CERTIFIED ELECTRONICALLY

---

Certification

11/02/2020

---

Date

Promulgated Under: 119.03

Statutory Authority: 3734.50

Rule Amplifies: 343.01, 3734.53

Prior Effective Dates: 06/01/1994, 08/01/1996, 05/10/2001, 05/23/2014