

3745-502-03

Requirements for collecting, remitting, and reporting solid waste management district disposal and generation fees.

(A) Applicability. This rule establishes requirements for the owner or operator of a solid waste landfill or solid waste transfer facility regarding collecting, remitting, and reporting district disposal fees or a district generation fee levied on the transfer or 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.

(B) General requirements.

(1) As a trustee for the solid waste management district, the owner or operator of a solid waste landfill or solid waste transfer facility that is required to collect district disposal fees under division (B) of section 3734.57 of the Revised Code or a district generation fee under section 3734.573 of the Revised Code shall do the following:

(a) Collect a district generation fee on a load of solid waste at the solid waste landfill or solid waste transfer facility that initially receives the load of solid waste.

(b) Collect district disposal fees on a load of solid waste at the solid waste landfill that receives the waste.

(c) Collect district disposal fees or a district generation fee on the total tonnage of each load of solid waste in accordance with the schedules levied by the solid waste management district.

(d) Calculate the dollar amount to collect by multiplying the total tonnage of the load of solid waste by the district disposal fees or the district generation fee.

(e) Use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste if scales are not used as the means of determining gate receipts.

(f) Identify waste on a load-by-load basis.

(g) Identify the total tonnage of a load of waste that consists of solid waste commingled with either construction and demolition debris or another excluded waste as a load of solid waste and collect district disposal fees or a district generation fee on the total tonnage of the load.

(h) Record in the daily log the total tonnage of each load of waste received according to the following categories:

(i) Asbestos.

(ii) Construction and demolition debris.

(iii) Industrial or manufacturing waste.

(iv) Excluded waste.

(v) Municipal solid waste.

(vi) Source separated recyclables.

(vii) Alternative daily cover.

[Comment: When a transporter delivers a load of solid waste to a transfer facility and the load is subsequently transferred to a different solid waste transfer facility or to a solid waste landfill, the owner or operator of the first solid waste transfer facility is solely responsible for collecting and remitting the district generation fee.]

(2) The district disposal fees and district generation fee are in addition to all other applicable fees and taxes and shall be paid as follows:

(a) By the customer or a political subdivision to the owner or operator of a solid waste landfill or solid waste transfer facility.

(b) By the customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of a solid waste landfill or solid waste transfer facility.

(c) 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 landfill or solid waste transfer facility or with a transporter of waste to the solid waste landfill or solid waste transfer facility that would not require or allow such payment.

(C) Identifying waste. The owner or operator of a solid waste landfill or solid waste transfer facility shall obtain the following information regarding each load of waste delivered to a solid waste landfill or solid waste transfer facility:

(1) The type of waste in accordance with paragraph (B)(1)(h) of this rule.

(2) The state and county where the waste originated.

(3) If the load of waste consists of waste that originated in more than one county, reasonably estimate the percentage of the load that came from each county.

(D) Remitting district disposal fees or a district generation fee and submitting returns to

the board. The owner or operator of a solid waste landfill or solid waste transfer facility that is required to collect district disposal fees or a district generation fee shall do the following:

(1) Prepare and submit a monthly return on a form prescribed by the board that includes at a minimum the following:

(a) The total tonnage of solid waste received at the solid waste landfill or solid waste transfer facility during the month.

(b) The total amount of the district disposal fees or district generation fee required to be collected on the solid waste during the month under this rule.

(c) The total amount of district disposal fees or district generation fee remitted with the return.

(d) The total tonnage of solid waste received from solid waste transfer facilities located in Ohio during the month for which the district generation fee was required to be collected at those solid waste transfer facilities.

(2) Submit the return not later than thirty days after the last day of the month to which the monthly return applies.

(3) Either mail or, if acceptable to the board, electronically transmit to the board the monthly district disposal fee or district generation fee return for the month and remit the district disposal fees or district generation fee required to be collected pursuant to this rule during that month as indicated on the monthly district disposal fee and district generation fee return form.

(E) Collecting district disposal fees or a district generation fee on loads of commingled solid waste and construction and demolition debris at a solid waste transfer facility. All waste created by commingling the loads of solid waste and construction and demolition debris shall be considered solid waste.

(1) The owner or operator of the solid waste transfer facility shall do the following:

(a) For loads of solid waste and construction and demolition debris that are commingled prior to receipt at the solid waste transfer facility, collect and remit district disposal fees or a district generation fee on the total tonnage of each load.

(b) For segregated loads of solid waste and construction and demolition debris that are received and commingled at the transfer facility prior to transportation to a solid waste landfill, collect and remit the district disposal fees or a district generation fee on the total tonnage of

commingled loads of solid waste and construction and demolition debris unless the owner or operator has obtained approval in accordance with paragraph (E)(2) of this rule for an alternative method to collect the fees.

(2) The owner or operator of a solid waste transfer facility may submit a request for approval of an alternative method to that specified in paragraph (E)(1)(b) of this rule for collecting district disposal fees or a district generation fee on loads of commingled solid waste and construction and demolition debris when those loads are 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. The director may approve such a request if the director determines that the owner or operator has demonstrated the following:

(a) The owner or operator of the solid waste transfer facility provides written concurrence from the solid waste management district levying the district disposal fees or a district generation fee for the alternative method specified in paragraph (E)(2) of this rule.

(b) The solid waste transfer facility where the solid waste and the construction and demolition debris are commingled and the solid waste landfill where the commingled waste is taken for disposal are owned and operated by the same person.

(c) All commingled solid waste and construction and demolition debris is transported to the same solid waste disposal landfill specified in paragraph (E)(2)(b) of this rule.

(d) By the end of each working day, all waste that is accepted at the solid waste transfer facility is taken to the solid waste landfill specified in paragraph (E)(2)(b) of this rule.

(e) The daily logs at both the solid waste landfill and the solid waste transfer facility are consistent and accurate when reconciled at the end of each working day.

(F) Extensions and late fees.

(1) The owner or operator of a solid waste landfill or solid waste transfer facility may request an extension of not more than thirty days for filing the district disposal fee and district generation fee return and remitting the district disposal fees or district generation fee. The owner or operator shall submit the request in writing to the board with a detailed description of why the extension is requested. The board may deny a request that is received after the date on which the district disposal fee and district generation fee return is due to be filed. Such an extension is not effective unless the request has been

approved by the board in writing.

(2) If the district disposal fees or district generation fee are not remitted as specified in paragraph (E)(2) of this rule or by the last day of an extension approved by the board, the owner or operator of the solid waste landfill or solid waste transfer facility shall do the following:

(a) Pay a late fee of an additional ten per cent of the amount of the district disposal fees or district generation fee for each month or portion thereof that the district disposal fees or district generation fee are late.

(b) Continue to accrue late fees each month until the total amount of district disposal fees or district generation fees, including late fees, are remitted.

(c) Calculate the late fee using the following formula: total late fee due = (total amount of district disposal fees or district generation fee that are late) x (0.10) x (number of months that the district disposal or district generation fee are late, expressed as a whole number).

(3) For the purposes of calculating the late fee, the following shall apply:

(a) The first month in which district disposal fees or district generation fee are late begins on the first day after the deadline has passed for timely submitting the district disposal fee and district generation fee return and the district disposal fees or district generation fee as specified in paragraph (E)(2) of this rule.

(b) One additional month is counted every thirty days thereafter.

(c) The full amount of the late fee is accrued on the first day of each month that the district disposal fees or district generation fees are late.

(d) The late fee will not be prorated according to the number of days that the district disposal fees or district generation fees are late.

(G) Exclusions.

(1) The district disposal fees and district generation fee do not apply to any of the following:

(a) Solid wastes that are disposed of at a solid waste landfill owned by the generator of the wastes if the solid wastes are exclusively disposed of at a solid waste landfill owned by the generator regardless of whether or not the solid waste landfill is located on a premises where the solid waste is generated.

- (b) Solid wastes that are disposed of at a solid waste landfill 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 solid waste 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 solid waste landfill.
- (d) Solid wastes delivered to a solid waste composting facility for processing.
- (e) Materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream as a result of recycling.
- (f) Solid waste the director has approved for use as alternative daily cover in accordance with rules adopted under section 3734.02 of the Revised Code and that is used as alternative daily cover in accordance with those rules.
- (g) Asbestos or asbestos-containing materials or products disposed of at a solid waste landfill that is licensed under Chapter 3734. of the Revised Code.
- (2) A district generation fee levied in accordance with section 3734.573 of the Revised Code does not apply to yard waste delivered to a solid waste composting facility for processing or to a solid waste transfer facility.
- (H) The owner or operator of a solid waste landfill or solid waste transfer facility shall collect district disposal fees or a district generation fee as follows:

 - (1) Collect district disposal fees on loads of fly ash, bottom ash, or other solid waste remaining after burning solid wastes other than scrap tires in an incinerator or solid waste energy recovery facility that are transported off the premises of the incinerator or solid waste energy recovery facility to a solid waste landfill for disposal.
 - (2) Collect district disposal fees on loads of fly ash, bottom ash, or other solid wastes remaining after the processing of scrap tires at a scrap tire recovery facility that are transported off the premises of the scrap tire recovery facility to a solid waste landfill for disposal.
 - (3) Collect district disposal fees or a district generation fee on loads of unprocessed

solid waste or compost product that are transported off the premises of a composting facility to either a solid waste landfill or solid waste transfer facility.

- (4) Collect a district generation fee on loads of solid waste delivered to a solid waste transfer facility prior to being burned in an incinerator or energy recovery facility.
- (5) Collect a district generation fee on loads of solid waste delivered to an incinerator or energy recovery facility without first being accepted at a solid waste transfer facility.
- (6) Except as provided in section 3734.571 of the Revised Code, collect district disposal fees on loads of solid waste originating outside the boundaries of a solid waste management district that is covered by an agreement for the joint use of a solid waste landfill entered into under section 343.02 of the Revised Code by the board of the solid waste management district where the wastes are generated or disposed.