

TO BE RESCINDED

3745-502-04 **Requirements for collecting, remitting, and reporting host community fees.**

(A) Applicability.

This rule establishes the requirements for owners and operators of solid waste disposal and solid waste transfer facilities regarding collecting, remitting, and reporting host community fees levied on the disposal of solid waste as authorized by division (C) of section 3734.57 of the Revised Code. This rule also provides for specific exclusions from the obligations to collect, remit, and report host community fees.

(B) Collection of host community fees.

- (1) As a trustee of a municipal corporation or township levying a host community fee, the owner or operator of a solid waste disposal facility that is located within the boundaries of the township or municipal corporation levying the host community fee shall collect that fee on the disposal of solid waste at the solid waste disposal facility in accordance with the schedule established under division (C) of section 3734.57 of the Revised Code.
 - (a) A host community fee shall be not more than twenty-five cents per ton.
 - (b) The owner or operator of a solid waste disposal facility shall collect applicable host community fees regardless of where the wastes were generated.
- (2) When solid waste is delivered to a solid waste transfer facility located in this state, the host community fees levied under division (C) of section 3734.57 of the Revised Code shall be assessed upon the disposal of solid waste transported off the premises of the transfer station for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed.
- (3) The amount of the fees required to be collected under this paragraph by the owner or operator of the solid waste disposal facility shall equal the total tonnage of solid waste received at the solid waste disposal facility multiplied by the host community fee levied in accordance with division (C) of section 3734.57 of the Revised Code.

- (4) Although the host community fees levied under division (C) of section 3734.57 of the Revised Code are levied on the basis of tons as the unit of measurement, the legislative authority of the municipal corporation or township, in its ordinance or resolution levying the fees, may direct that the host community fees be levied on the basis of cubic yards as the unit of measurement. For purposes of computing the host community fees that shall be collected and remitted in those cases where cubic yards is the unit of measurement, the owner or operator of any solid waste disposal facility shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.
- (5) The host community fees levied under division (C) of section 3734.57 of the Revised Code are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste disposal facility 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 disposal facility or with a transporter of waste to the solid waste disposal facility that would not require or allow such payment.
- (6) Anyone delivering a load of waste to a solid waste disposal facility shall accurately identify the type of waste as well as the state and county where the waste originated to the owner or operator of the receiving disposal facility.
- (a) Waste shall be classified on a load-by-load basis. A load consists of the waste that is transported in and on a single delivery vehicle including but not limited to a truck, an individual rail car, an individual roll-off container, and an individual transfer trailer.
- (b) Anyone delivering a load of waste consisting of waste that originated in more than one county to a solid waste disposal facility shall reasonably estimate the percentage of the load that came from each county.
- (c) The owner or operator of the solid waste disposal facility shall record, in the daily log, each load of waste received according to the following categories:
- (i) Asbestos.
 - (ii) Construction and demolition debris.
 - (iii) Unauthorized waste.
 - (iv) Excluded waste.
 - (v) Industrial solid waste.

- (vi) Municipal solid waste.
 - (vii) Source separated recyclables.
- (d) Anyone delivering a load of waste that consists of solid waste commingled with construction and demolition debris or another excluded waste shall identify the entire load as solid waste.
- (7) The owner or operator of a solid waste disposal facility that receives a load of solid waste commingled with either construction or demolition debris or another excluded waste shall collect host community fees on the entire load of commingled waste in accordance with this rule.
- (8) The owner or operator of a solid waste disposal facility that meets all of the following conditions can request that the director approve an alternative means of collecting host community fees on loads consisting of commingled solid waste and construction and demolition debris when the wastes were received at a solid waste transfer facility as segregated loads, commingled at the solid waste transfer facility, and subsequently transported to the solid waste disposal facility as commingled waste:
- (a) The solid waste transfer facility where the solid waste and the construction and demolition debris are commingled and the solid waste disposal facility where the commingled waste is taken for disposal are both owned and operated by the same company.
 - (b) All waste that is transferred from the solid waste transfer facility where the solid waste and construction and demolition debris are commingled is transported to the same solid waste disposal facility.
 - (c) By the end of the working day, all of the waste that is accepted at the solid waste transfer facility will be taken to the solid waste disposal facility.
 - (d) The daily logs at both the solid waste transfer facility and the disposal facility can be reconciled at the end of each working day to be consistent and accurate.

The owner or operator of the solid waste facility requesting an alternative means of collecting host community fees shall collect those fees in accordance with this rule until an alternative means of collecting host community fees has been approved by the director.

- (C) Submitting host community fee return forms and remitting host community fees to the treasurer or fiscal officer.

- (1) The owner or operator of a solid waste disposal facility that is required to collect host community fees pursuant to paragraph (B) of this rule shall prepare and file monthly host community fee returns on a form prescribed by the municipal corporation or township.
- (2) The monthly host community fee return forms required by paragraph (C)(1) of this rule shall indicate, at a minimum, the total tonnage of solid waste received at the facility during that month, the total amount of the host community fees required under this rule to be collected on that waste during the month, and the amount of host community fees remitted with the monthly host community fee return form.
- (3) Not later than thirty days after the last day of the month to which a monthly host community fee return applies, the owner or operator of the solid waste disposal facility shall either mail or, if acceptable to the treasurer or fiscal officer, electronically transmit to the treasurer or fiscal officer the monthly host community fee return form for that month together with the host community fees which are required to be collected under paragraph (B) of this rule during that month as indicated on the monthly host community fee return form.

(D) Extensions and late fees.

- (1) The owner or operator of a solid waste disposal facility may request an extension, of not more than thirty days, for filing the monthly host community fee return and remitting the host community fees. The owner or operator shall submit the request in writing to the treasurer or the fiscal officer together with a detailed description of why the extension is requested. For the request to be considered, the treasurer or fiscal officer shall receive the request not later than the day on which the host community fee return is required to be filed. Such an extension shall not be effective unless the request is approved by the treasurer or fiscal officer in writing.
- (2) If host community fees are not remitted within the thirty days after the last day of the month to which the host community fee return applies or are not remitted by the last day of an extension approved by the treasurer or the fiscal officer, then the owner or operator of the solid waste disposal facility shall pay a late fee. The late fee shall continue to accrue until the host community fees are remitted. The late fee shall be an additional ten percent of the amount of the host community fees for each month or portion thereof that the fees are late.
- (3) The late fee shall be calculated using the following formula: total late fee due = (total amount of host community fees that are late) x (0.10) x (number of months that the host community fees are late, expressed as a whole number).

(4) For purposes of calculating the late fee, all of the following apply:

- (a) The first month in which host community fees are late begins on the first day after the deadline has passed for timely submitting the monthly host community fee return and fees as specified in paragraph (C)(2) of this rule.
- (b) One additional month shall be counted every thirty days thereafter.
- (c) The full amount of the late fee (i.e. the full ten per cent) is accrued on the first day of each month that the host community fees are late.
- (d) The late fee will not be prorated according to the number of days that the host community fees are late.

[Comment: The following is an example of how to calculate the amount of the late fee that shall be paid to the treasurer or fiscal officer: The owner or operator The owner or operator of a sanitary landfill facility is required to remit applicable host community fees totaling one thousand dollars by June thirtieth. The owner or operator doesn't remit the fees until July first. The late fee would be calculated as follows: ($\$1,000 \times 0.10 \times 1 = \100). Thus, the owner or operator is required to remit one thousand one hundred dollars by July thirty-first. If the owner or operator remits the host community fees on or after August first, then the owner or operator will owe a total of one thousand two hundred dollars ($\$1,000 \times 0.10 \times 2$).]

(E) Exemptions.

- (1) The director may issue an order exempting from the fees levied under division (C) of section 3734.57 of the Revised Code solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director, or the director of administrative services on behalf of the director for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination.
- (2) An order issued by the director under paragraph (E)(1) of this rule is a final action of the director.

(F) Exclusions and qualifications.

- (1) The host community fees levied in accordance with division (C) of section 3734.57 of the Revised Code do not apply to the following:
 - (a) Solid wastes that are disposed of at a solid waste disposal facility owned by the generator of the wastes when the solid waste disposal facility exclusively disposes of solid waste generated at one or more premises owned by the generator regardless of whether or not the solid waste disposal facility is located on a premises where the wastes are generated.
 - (b) Solid wastes that are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in conjunction with scrap tires, that is not combined in any way with garbage 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 sanitary landfill facility.
 - (d) Solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility to a sanitary landfill facility for disposal, the owner or operator of the receiving transfer or sanitary landfill facility shall collect the host community fees in accordance with this rule.
 - (e) Materials that have been separated from a mixed waste stream for recycling by a generator and materials that have been recovered from the solid waste stream for recycling.
- (2) When solid waste, other than solid waste that consists of scrap tires, is burned in a disposal facility that is an incinerator or an energy recovery facility, the host community fees levied under division (C) of section 3734.57 of the Revised Code shall be assessed on the disposal of the fly ash and bottom ash remaining after burning of the solid waste and shall be collected by the owner or operator of the sanitary landfill facility where the ash is disposed.
- (3) When solid waste that consists of scrap tires is processed at a scrap tire recovery facility, the host community fees levied under division (C) of section 3734.57

of the Revised Code shall be assessed upon the disposal of the fly ash, bottom ash, or other solid waste remaining after the processing of the scrap tires and shall be collected by the owner or operator of the sanitary landfill facility where the ash or other solid waste is disposed.

- (4) Collection of host community fees where the solid waste disposal facility is located in more than one municipal corporation or township.
 - (a) If a municipal corporation or township levies a host community fee on or after the effective date of this rule and a solid waste disposal facility is located in more than one municipal corporation and township, then each township and municipal corporation may adopt a host community fee. The host community fee adopted by each township and municipal corporation shall equal no more than twenty-five cents per ton divided by the number of townships and municipalities in which the facility is located.
 - (b) If a municipal corporation or township levied a host community fee prior to the effective date of this rule and a solid waste disposal facility is located in more than one municipal township or township, then each municipal corporation and township shall continue to levy a host community fee equal to twenty-five cents per ton times the fraction of the land area of the facility located within the township or municipal corporation. All owners and operators of solid waste disposal facilities shall cooperate fully with the municipal corporations and townships to establish the value of these fractions.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null