

3745-502-04

Requirements for collecting, remitting, and reporting host community fees.

(A) Applicability. This rule establishes the requirements for the owner or operator of a solid waste landfill 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.

(B) General requirements.

(1) As a trustee of a municipal corporation or township, the owner or operator of a solid waste landfill located within the boundaries of a township or municipal corporation that levies a host community fee shall do the following:

(a) For loads of solid waste delivered to the solid waste landfill from a solid waste transfer facility, collect the host community fee on each load of solid waste transported off the premises of the solid waste transfer facility and delivered to the solid waste landfill for disposal.

(b) Collect the host community fee on the total tonnage of each load of solid waste received at the solid waste landfill in accordance with the schedule levied under division (C) of section 3734.57 of the Revised Code.

(c) Calculate the dollar amount to collect by multiplying the total tonnage of the load of solid waste by the host community fee.

(d) If the municipal corporation or township, in its ordinance or resolution levying the host community fee, directs the host community fee be levied on the basis of cubic yards as the unit of measurement, use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled solid waste.

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

(f) 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 the host community fee on the total tonnage of the load.

(g) 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.

(2) The host community fee is 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.

(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.

(c) Notwithstanding a contract between the customer or a political subdivision and the owner or operator of the solid waste landfill or with a transporter of waste that would not require or allow such payment regardless of whether the contract was entered prior to or after the effective date of this rule.

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

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

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

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

(D) Remitting host community fees and returns to the treasurer or fiscal officer. The owner or operator of a solid waste landfill that is required to collect a host community fee shall do the following:

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

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

(b) The total amount of host community fees required to be collected on the

solid waste during the month.

(c) The total amount of host community fees remitted with the return.

(2) Submit the return and host community fees 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 treasurer or fiscal officer, electronically transmit to the treasurer or fiscal officer the monthly host community fee return form for the month and remit the host community fees required to be collected pursuant to this rule during that month as indicated on the monthly host community fee return form.

(E) Extensions and late fees.

(1) The owner or operator of a solid waste landfill may request an extension of not more than thirty days for filing the host community fee return and remitting the host community fees. The owner or operator shall submit a request in writing to the treasurer or the fiscal officer with a detailed description of why the extension is requested. The treasurer or fiscal officer may deny a request that is received after the day the host community fee return is due to be filed. Such an extension is not effective unless the request is approved by the treasurer or fiscal officer in writing.

(2) If the host community fees are not remitted as specified in paragraph (D)(2) of this rule or by the last day of an extension approved by the treasurer or the fiscal officer, the owner or operator of the solid waste landfill shall do the following:

(a) Pay a late fee of an additional ten percent of the amount of the host community fees for each month or portion thereof that the host community fees are late.

(b) Continue to accrue late fees each month until the total amount of host community fees, including late fees, is remitted.

(c) Calculate the late fee 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).

(3) For the purposes of calculating the late fee, 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 host community fees as specified in paragraph (D)(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 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.

(F) Exclusions. A host community fee levied in accordance with division (C) of section 3734.57 of the Revised Code does not apply to the following:

(1) 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 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.

(2) 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 conjunction with scrap tires, that is not combined in any way with solid waste at one or more premises owned by the generator.

(3) 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.

(4) Solid wastes delivered to a solid waste composting facility for processing.

(5) 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.

(6) 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.

(7) Asbestos or asbestos-containing materials or products disposed of at a solid waste landfill that is licensed under Chapter 3734. of the Revised Code.

(G) The owner or operator of a solid waste landfill shall collect the host community fee as follows:

(1) 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) On loads of fly ash, bottom ash, or other solid waste 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) On loads of unprocessed solid waste or compost product that are transported off the premises of a composting facility to a solid waste landfill.
- (H) Establishing host community fees at a solid waste landfill located in more than one municipal corporation or township. If a solid waste landfill is located in more than one municipal corporation or township, then each municipal corporation and township may adopt a host community fee. The total of the host community fees adopted by all townships and municipal corporations shall equal no more than twenty-five cents per ton in accordance with one of the following:

 - (1) Twenty-five cents per ton divided by the number of townships and municipalities in which the facility is located.
 - (2) Twenty-five cents per ton times the fraction of the land area of the facility located within the township or municipal corporation. The owner or operator of a solid waste landfill shall cooperate fully with the municipal corporation or township to establish the value of the fractions.