

# SOLID WASTE MANAGEMENT PLAN UPDATE 2017—2031 DRAFT PLAN



*July 2014*

*Prepared by:*



# NORTH CENTRAL OHIO SOLID WASTE DISTRICT

## 2017- 2031 DRAFT PLAN UPDATE

July 2014

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## I. Introduction

### A. Plan Approval Date, Counties in District, and Planning Period Length

#### 1. Under current approved plan:

Date of Ohio EPA approval  
or order to implement: December 22, 2010

Counties within District: Allen, Champaign, Hardin,  
Madison, Shelby, Union

Years in planning period: 15

#### 2. Plan to be implemented with approval of this document:

Counties within District: Allen, Champaign, Hardin,  
Madison, Shelby, Union

Years in planning period: 15

Year 1 of the planning period: 2017

### B. Reason for Plan Submittal

Mandatory five-year plan update.

### C. Process to Determine Material Change in Circumstances and Amend the Plan

In accordance with ORC 3734.56(D), the *Plan Update* must be revised if the Board of Directors (Board) has determined that “circumstances materially changed from those addressed in the approved initial or amended plan of the district...” A material change in circumstances shall be defined as a change that adversely affects the ability of the Board to implement the Solid Waste Plan. The criteria used to make the determination of material change are as follows:

- Reduction in Available Capacity
- Increase in Waste Generation
- Delay in Program Implementation
- Discontinuance of Essential Waste Reduction or Recycling Activities
- Decrease in Waste Generation
- Adequately finance implementation of the Plan

The Ohio EPA's Plan Format requires that the *Plan Update* must include a description of the process the Board will use to determine when a material change in circumstances has occurred, and, as a result, requires an amended Plan.

The Board shall make the determination of whether a material change in circumstances has occurred according to the following guidelines:

1. Assurance of Waste Disposal Capacity

(a) Reduction in Available Capacity

If the Board determines that the extended or permanent closure of a landfill utilized by the District or a combination of the closure of those landfills accepting solid waste generated in the District, impairs the capacity assurance requirement of section 3734.53(A) of the Revised Code or the Plan Format, then a material change in circumstances may have occurred. A material change in circumstances has not occurred, however, if the District is able to secure arrangements to manage the waste formerly received at the closed facility by any other properly licensed and permitted solid waste management facility.

The Board will convene within 90 days of the closure of a landfill utilized by the District to determine whether alternate capacity is available to the District or whether a material change in circumstances has occurred.

(b) Increase in Waste Generation

Future capacity needs of the District as outlined in the *Plan Update* are based on waste generation estimates. A significant increase in solid waste generation within the District may affect capacity requirements and result in diminished capacity for handling or disposing of solid waste. A material change in circumstances may have occurred if waste generation increases, and the increase has a significant adverse impact on capacity for handling or disposing of solid waste generated within the District at facilities designated and identified in the *Plan Update*. A material change in circumstances has not occurred, however, if the private sector can secure arrangements to manage the increased waste volume at any other properly licensed and permitted solid waste management facility.

District staff periodically, during the term of the *Plan Update*, will review waste generation figures and report to the Board on a quarterly basis a significant increase, as reported by the District

Executive Director, in solid waste generation within the District that warrants the Board's consideration of whether there is adequate capacity available to handle or dispose of the increased solid waste volume. The Board shall review the report and the availability of capacity for District solid waste and determine whether sufficient capacity is available to the District.

2. Compliance with Applicable Waste Reduction or Access Goals

(a) Delay in Program Implementation or Discontinuance of Waste Reduction or Recycling Activities

Pursuant to the Ohio Revised code, the Ohio Administrative Code, and the State Plan, the District has established specific goals regarding waste reduction and recycling within the District. The Executive Director of the District will prepare a quarterly report for presentation to the Board each year of the planning period. The quarterly report will identify significant delays in program implementation, changes to waste reduction and recycling strategies or plan implementation for the preceding quarter that warrant consideration by the Board to determine whether any delay, change or impact on recycling is material. Should a significant delay in program implementation or the discontinuance of programs that result in the inability of the District to achieve either goal, the Board shall make a determination as to whether a material change in circumstances has occurred. A material change in circumstances has not occurred, however, where the Board is able to implement new programs or modify existing programs to meet the current goal in this *Plan Update* as approved by the Director of Ohio EPA, to meet State of Ohio requirements.

3. Financing of Plan Implementation

(a) Decrease in Waste Generation

District obtains revenues to finance implementation of the *Plan Update* from a \$5.00 per ton fee on the generation of solid waste within the District as authorized by section 3734.573 of the Ohio Revised Code. A significant reduction in the generation of waste within the District could result in a significant decrease in revenue and adversely affect the ability of the Board to finance implementation of the *Plan Update*. The Executive Director for the District monitors revenues and reports changes in financial condition to the Board at quarterly Board meetings. The Board will receive financial reports from the Executive Director, consider such reports, and set budget and funding priorities to implement the *Plan*

*Update.* A material change in circumstances may have occurred where a significant reduction in revenue adversely affects the Board's ability to finance plan implementation. No material change in circumstances has occurred, however, where the Board is able to maintain programs at current funding levels through re-allocation of District funds, or through an increase in District fees, or rates and charges as permitted by the Ohio Revised Code and the Plan.

#### 4. Procedures where Material Change in Circumstances has Occurred

If at any time the Board determines that a material change in circumstances has occurred, the Board shall direct the Policy Committee to prepare a Draft Amended Plan. The Board shall proceed to adopt and obtain approval of the Amended Plan in accordance with divisions (A) to (C) of section 3734.55 of the Revised Code.

The District shall monitor the circumstances of whether there is a material change in this *Plan Update*. If the District determines a material change in circumstances has occurred, the Board shall notify Ohio EPA within 60 days.

### **D. District Formation and Certification Statement**

All public notices in local newspapers publicizing hearings and comments on the *Plan Update* are included in Appendix B. A certification statement signed by members of the Board asserting that the contents of the *Plan Update* are true and accurate is included in Appendix C. The certification statement was signed by a majority of the Board members for both the draft amended *Plan Update* and the ratified draft amended *Plan Update*. Appendix C also includes resolutions by the Board adopting the *Plan Update* prior to ratification and certifying that the *Plan Update* has been properly ratified. A list of all political jurisdictions in the District which voted on the *Plan Update* ratification, their populations, and the percentage of the population represented by the political jurisdictions which ratified the *Plan Update* is included in Appendix C.

### **E. Policy Committee Members**

The Policy Committee for the District is comprised of seven members from each member county. These members will include:

- The president of the board of county commissioners or his designee;
- The mayor, or a representative chosen to act on his/her behalf, of the largest city in each county;

- A member representing the townships within each county chosen by a majority of the board of township Directors within the county;
- The health commissioner from each county, or a representative appointed by the health commissioner to act on behalf of each county’s health department;
- One industrial representative from each county to act on behalf of the industries located within that county; and
- Two public members from each member county representing the general interests of citizens and who have no conflict of interest through affiliation with a waste management company or with any entity that is a significant generator of solid wastes.

The following committee members are listed in accordance with the political jurisdictions and constituencies they represent:

<b>Allen County</b>	
<b>Policy Committee Member</b>	<b>Representing</b>
Greg Sneary	County Commissioner
Gary Sheely	City of Lima Representative
Kevin Cox	Township Representative
Bill Kelly	Health Department Representative
Kevin Bruin	Industrial Representative Chair Person, Policy Committee
Joe Bischoff	Public Member
Norman Grigsby	Public Member

<b>Champaign County</b>	
<b>Policy Committee Member</b>	<b>Representing</b>
Bob Corbett	County Commissioner Designee
Kerry Brugger	City of Urbana Representative
Grant Johnson	Township Representative
Jeff Webb	Health Department Representative
Dave Vulcan	Industrial Representative
Larry Ferryman	Public Member
Susan Helterbran	Public Member

<b>Hardin County</b>	
<b>Policy Committee Member</b>	<b>Representing</b>
Brice Beaman	County Commissioner
Jim Hites	City of Kenton Representative
Michael Ault	Township Representative
Shane Lotts	Health Department Representative
Jeff Wold	Industrial Representative
Linda Wuethrich	Public Member
Tom Wilcox	Public Member

<b>Madison County</b>	
<b>Policy Committee Member</b>	<b>Representing</b>
David Dhume	County Commissioner
Stan Kavy	City of London Representative
Michael Boerger	Township Representative
Mary Ann Webb	Health Department Representative
Warren Gebhart	Industrial Representative
Don Whitmer	Public Member
Don Herman	Public Member

<b>Shelby County</b>	
<b>Policy Committee Member</b>	<b>Representing</b>
Robert Guillozet	County Commissioner
Gary Clough	City of Sidney Representative
Randy Bensman	Township Representative
Steven Tostrick	Health Department Representative
David Strelow	Industrial Representative
Tony Schmitmeyer	Public Member
Merrill Asher	Public Member

<b>Union County</b>	
<b>Policy Committee Member</b>	<b>Representing</b>
Charles Hall	County Commissioner
Mike Andrako	City of Marysville
John Marshall	Township Representative
Marcia Dreiseidel	Health Department Representative
Barry McClelland	Industrial Representative
Melissa Henry	Public Member
James Hall	Public Member

At Large Member	
Policy Committee Member	Representing
Jerry Neumeier	Public Member

**F. District Board of Directors**

The following board members are listed according to the counties they represent:

Commissioner	County
Jay Begg	Allen
Cory Noonan	Allen
Greg Sneary	Allen
Bob E. Corbett	Champaign
David E. Faulkner	Champaign
Steven R. Hess	Champaign
Brice Beaman	Hardin
Edward O. Elliott, II	Hardin
Randall Rogers	Hardin
David Dhume	Madison
Mark Forest	Madison
Paul Gross	Madison
Tony Bornhorst	Shelby
Julie Ehemann	Shelby
Bob Guillozet	Shelby
Charles Hall, Chairman	Union
Gary Lee	Union
Steve A. Stolte	Union

**G. District Address and Phone Number**

North Central Ohio Solid Waste District  
 815 Shawnee Road  
 Suite D  
 Lima, Ohio 45805

Contact: Mr. Dennis Baker  
 Executive Director

Phone: (419) 228-8278  
 Fax: (419) 229-2156  
 Email: [dennis@ncowaste.org](mailto:dennis@ncowaste.org)

**H. Technical Advisory Council and Other Subcommittees**

The District did not establish a Technical Advisory Committee during the preparation of the *Plan Update*.

**I. Policy Committee Review of Plan Update**

The Policy Committee shall annually review implementation of the *Plan Update* under section 3734.55 of the Ohio Revised Code and report its findings and recommendations regarding implementation of the plan to the board of directors of the District.

## IX. District Rules [ORC Section 3734.53(C)]

### A. Existing Rules

According to Ohio Revised Code Section 3734.53(C), “the solid waste management plan of a county or joint district may provide for the adoption of rules under division (G) of section 343.01 of the Revised Code after approval of the plan under section 3734.521 or 3734.55 of the Revised Code.” The District reserves the authority for the Board to adopt rules under the provision of Ohio Revised Code.

The following summarizes the current and existing rules of the District:

#### Rule # NCO 1.0

#### CONSTRUCTION, ENLARGEMENT, OR MODIFICATION OF SOLID WASTE TRANSFER, DISPOSAL, RECYCLING AND RESOURCE RECOVERY FACILITIES

(A) As used in this rule:

- (1) “Construct” means to create or install a solid waste facility at a location not currently used for that purpose;
- (2) “Disposal facility” means a solid waste facility for the placement of solid waste into the ground, or the conversion of solid waste into energy or compost materials, including sanitary landfills, incinerators, and composting facilities;
- (3) “Enlarge” means to alter a solid waste facility so as to increase the area of land occupied by components of the facility;
- (4) “Modify” means to alter a solid waste facility or the activities conducted at the facility in any of the following respects:
  - (a) A deletion, addition, or replacement of facility components or equipment that constitutes a significant change in facility operations;
  - (b) A change in the type of solid waste handled at the facility; or,
  - (c) A significant increase in the total capacity of the facility or amount of solid waste handled at the facility;
- (5) “Recycling facility” means a solid waste facility at which recyclable solid waste is separated from non-recyclable solid waste, or at which recyclable solid waste is accepted and stored for eventual reuse, including scrap tire facilities;

- (6) "Resource recovery facility" means a solid waste facility at which solid waste is processed to recover reusable substances;
  - (7) "Solid waste" has the same meaning as defined in Section 3734.01, Ohio Revised Code; and
  - (8) "Transfer facility" has the same meaning as "transfer station" as defined in OAC 3745-27-01.
- (B) After September 1, 1994, no person, partnership, firm, corporation, governmental body or other legal entity shall construct, enlarge, or modify a solid waste transfer, disposal, recycling or resource recovery facility in this District without obtaining prior approval from the Board of Directors of the District. Approval is not required for facilities described in Section 343.01 (J) (1) and (2), Revised Code.
- (C) The applicant for approval shall submit the following information and documents to the Board of Directors:
- (1) A written discussion of the following:
    - (a) Type of facility;
    - (b) A description of and schedule for the construction, enlargement, or modification;
    - (c) Location of the facility;
    - (d) Identification of the type and amount of solid waste to be handled at the facility, including the source of the waste;
    - (e) Capacity of the facility before and after the construction, enlargement, or modification;
    - (f) Expected environmental impact and measures designed to minimize adverse impact, including measures for control of noise, odor, dust, litter, and vectors;
    - (g) Information required in the facility siting portions of the Solid Waste Management Plan;
    - (h) Effect of the facility on the operation of other like facilities in the District;
    - (i) Location and proximity of adjoining property and structures;
    - (j) Roads and streets that will be used for transport of material into and out of the facility, including a projection of traffic volume per unit of time;
    - (k) Hours of operation of the facility; and,
    - (l) Any other information requested by the Board of Directors;

(2) The following documents:

- (a) A map showing the location of the facility;
- (b) A diagram of the facility depicting site boundaries and the location of all structures and components of the facility; and
- (c) A copy of the application to Ohio EPA for a permit to install, if an application has been prepared for the construction, enlargement, or modification.

(D) Construction, enlargement, or modification of a solid waste facility shall conform to the information and documents submitted to and approved by the Board of Directors.

#### **Rule # NCO 96-1**

A rule governing the solid waste collection system within the Solid Waste District as authorized by Ohio Revised Code 9343.01 (G)(2), and the Solid Waste District's approved Plan, establishing an administrative procedure for refunding erroneously collected generation fees which have been forwarded to the District.

(A) As used in this rule:

- (1) "Collection Agent" means any entity receiving solid waste from a generator located within the Solid Waste District for collection, transport, transfer, and/or disposal. Solid Waste from any generator may have more than one collection agent as there may be subsequent transfer of the waste as well as the fees imposed on the waste;
- (2) "Disposal Facility" has the same meaning as defined by the Ohio Administrative Code;
- (3) "Generation Fee" has the same meaning as defined by the Ohio Administrative Code;
- (4) "Grace Period" means the period of time after the payment of generation fee (the Solid Waste District) during which the final collection agent (facility operator or owner) may request refunds; acting as the agent of the generator or the generator's collection service provider;
- (5) "Solid Waste" has the same meaning as defined by Ohio Administrative Code;

- (6) "Solid Waste District" has the same meaning as defined by Ohio Administrative Code;
- (7) "Transfer Station" has the same meaning as defined by Ohio Administrative Code;
- (B) After January 1, 1997, no person, partnership, corporation, firm, governmental body, or other legal entity, who have collected generation fees from solid waste generators within the North Central Ohio Solid Waste District; or from the generator's collection entity, transfer station operator, or other service providers for disposal facilities outside of the Solid Waste District, shall be granted a request to investigate; and refund fees remitted to the Solid Waste District for erroneous fee payment(s), unless the request has been received by the Solid Waste District within 90 calendar day "grace period" after the payment of the fees in question, except as provided in Paragraphs "E", "F", and "G" below.
- (C) All requests to the Solid Waste District for the return of erroneously-paid generation fees shall be made by the collection agent which originally remitted the erroneous fees to the Solid Waste District (transfer station or disposal facility operator/owner). All requests shall be made in writing, and accompanied by relevant documentation, in sufficient form and quantity to facilitate the Solid Waste District's determination of the appropriateness of the requested refund. All requests and documentation that the fee in question have been (or will be) returned to the appropriate generator;
- (D) All requests for refunds shall be submitted to the Solid Waste District Office for processing. The Board of Directors for the Solid Waste District, or their designee, shall approve (or disapprove) all refunds within 90 days of the receipt of such a request. Repayment of erroneously-paid fees shall occur within 14 calendar days of the approval of such an action;
- (E) The grace period shall begin in the statutorily-defined date due for payment to the Solid Waste District of generation fees collected during the month in question, regardless of whether the actual payment has been received by the Solid Waste District on or before the prescribed date;
- (F) Requests for refunds of erroneously-paid fees for which no Solid Waste District generator is involved; but the Solid Waste District received the revenue, should be directed to the Director of the Ohio EPA who is empowered to prescribe procedures for collecting and

forwarding of fees. This Solid Waste District rule will be subordinate to the Director's instructions in such a matter.

- (G) Rule NCO 96-1 is subject to rulemaking authorities granted to Solid Waste Districts by the Ohio Legislature. Enforcement will occur to the degree relevant authority exists at the time a refund is requested.

**Rule # NCO 2000-01**

DUTIES OF THE PUBLIC

- (A) Notification of Residents for New Service

It shall be the duty of any person residing at a residential address covered by the PAYT Program where the person did not previously have Kenton PAYT service, to notify the Kenton PAYT Customer Service Representative by telephone or in writing of the new service requirement.

- (B) General Duty for Acceptable Waste and Recyclables

It shall be the duty of any person at all times to cause acceptable waste and recyclables generated at residential units covered by the PAYT Program to be properly contained for collection by the District's authorized commercial hauler.

- (C) Placement and Removal of Containers

Residents covered by the PAYT Program shall place properly containerized, acceptable waste and recycling container at their assigned point of collection not more than 12 hours prior to the scheduled collection time and shall remove any unacceptable waste and the recycling container from the assigned point of collection within 24 hours of collection.

**Rule # NCO 2000-02**

PROHIBITED ACTIVITIES

- (A) Scavenging

No person shall remove any acceptable recyclable material set out for collection by the authorized commercial hauler of the PAYT Program under contract with the District, unless authorized to do so by the District or the authorized commercial hauler.

(B) Use of Containers

Recycling containers, assigned to each residential property covered by the PAYT Program, and distributed by the District or its authorized commercial hauler, remains the property of the District. The authorized use of each recycling container is limited to those residing at the assigned address. Any other use is prohibited.

**Rule # NCO 2000-03**

PENALTIES

Whoever violates any rule of the District enacted under Division (G) (2) of Section 343.01 of the Ohio Revised Code shall be fined not more than five thousand dollars (\$5,000).

**Rule # NCO 2000-04**

USE OF SOLID WASTE AND RECYCLING SERVICES PROVIDED BY THE DISTRICT

All residential units located in the City of Kenton, Ohio that generate solid waste or recyclable materials shall utilize the services provided by the District for the collection, transportation, processing, or disposal of solid waste and recyclable materials.

**Rule # NCO 2000-05**

ANTI-SCAVENGING

All solid waste and recyclable materials generated by a residential unit located in the City of Kenton, Ohio, and which is set out at the curbside or similar location for pick-up, shall be conclusively presumed to be unwanted and abandoned by the generator, and subject to the exclusive authority of the District or its authorized contractors to collect, transport, process or dispose of such solid waste and recyclable materials. No person other than the District or its authorized contractors shall collect, transport, process or dispose such solid waste or recyclable materials.

**Rule # NCO 2000-06**

DEFINITIONS

“Residential unit” means a single-family dwelling, house, apartment, mobile home or trailer, as well as multi-family dwellings consisting of two, three or four dwelling units or apartments grouped under a common roof.

“District” means the North Central Ohio Solid Waste Management District, a joint solid waste management district established and maintained pursuant to Chapter 343 of the Ohio Revised Code, and which maintains its administrative offices at 212 North Elizabeth Street, Suite 301, Lima, Ohio, 45801.

“Solid waste” means non-hazardous, unwanted household waste generated at a residential unit, and shall be interpreted consistent with the provisions of Chapters 3745-27 and 3745-37 of the Ohio Administrative Code.

“Recyclable materials” means the materials contained in solid waste that may be reconstituted into useable commodities, and which have been separated from solid waste and placed into a marked District recycling container for pick-up.

**B. Proposed Rules**

The District reserves the right to adopt rules under division (G) of section 343.01 and under division (c) of section 3734.53 of the Revised Code. Such rules shall comply with the legislative grant of authority to the District to promulgate such rules and to regulate solid waste services, facilities and operation of the District in accordance with the Plan or amended Plan of the District and/or as authorized by applicable statutes, governmental regulations, local ordinances and rules of the District as now existing or hereafter enacted or amended.

At this time, the District is not proposing any new rules with the approval of this Plan Update. The District is, however, updating the current rule package to include a consistent rule numbering and identification system. The following identification changes to the existing rules will become effective upon the approval of this Plan Update:

Current Rule Identification	Changed Rule Identification
NCO 1.0	NCO-01
NCO 96-1	NCO-02
NCO 2000-01	NCO-03
NCO 2000-02	NCO-04
NCO 2000-03	NCO-05
NCO 2000-04	NCO-06
NCO 2000-05	NCO-07
NCO 2000-06	NCO-08

The following section contains the existing rule package with the new identification system and minor clerical adjustments to rule language.

Upon approval of this plan update, the following rules will be enforced by the District:

**Rule # NCO-01**

(Enacted in **xxxxx**)

CONSTRUCTION, ENLARGEMENT, OR MODIFICATION OF SOLID WASTE TRANSFER, DISPOSAL, RECYCLING AND RESOURCE RECOVERY FACILITIES

(A) As used in this rule:

- (1) "Construct" means to create or install a solid waste facility at a location not currently used for that purpose;
- (2) "Disposal facility" means a solid waste facility for the placement of solid waste into the ground, or the conversion of solid waste into energy or compost materials, including sanitary landfills, incinerators, and composting facilities;
- (3) "Enlarge" means to alter a solid waste facility so as to increase the area of land occupied by components of the facility;
- (4) "Modify" means to alter a solid waste facility or the activities conducted at the facility in any of the following respects:
  - (a) A deletion, addition, or replacement of facility components or equipment that constitutes a significant change in facility operations;
  - (b) A change in the type of solid waste handled at the facility; or,
  - (c) A significant increase in the total capacity of the facility or amount of solid waste handled at the facility;
- (5) "Recycling facility" means a solid waste facility at which recyclable solid waste is separated from non-recyclable solid waste, or at which recyclable solid waste is accepted and stored for eventual reuse, including scrap tire facilities;
- (6) "Resource recovery facility" means a solid waste facility at which solid waste is processed to recover reusable substances;
- (7) "Solid waste" has the same meaning as defined in Section 3734.01, Ohio Revised Code; and
- (8) "Transfer facility" has the same meaning as "transfer station" as defined in OAC 3745-27-01.

(B) After September 1, 1994, no person, partnership, firm, corporation, governmental body or other legal entity shall construct, enlarge, or modify a solid waste transfer, disposal, recycling or resource

recovery facility in this District without obtaining prior approval from the Board of Directors of the District. Approval is not required for facilities described in Section 343.01 (J) (1) and (2), Revised Code.

(C) The applicant for approval shall submit the following information and documents to the Board of Directors:

(1) A written discussion of the following:

- (a) Type of facility;
- (b) A description of and schedule for the construction, enlargement, or modification;
- (c) Location of the facility;
- (d) Identification of the type and amount of solid waste to be handled at the facility, including the source of the waste;
- (e) Capacity of the facility before and after the construction, enlargement, or modification;
- (f) Expected environmental impact and measures designed to minimize adverse impact, including measures for control of noise, odor, dust, litter, and vectors;
- (g) Information required in the facility siting portions of the Solid Waste Management Plan;
- (h) Effect of the facility on the operation of other like facilities in the District;
- (i) Location and proximity of adjoining property and structures;
- (j) Roads and streets that will be used for transport of material into and out of the facility, including a projection of traffic volume per unit of time;
- (k) Hours of operation of the facility; and,
- (l) Any other information requested by the Board of Directors;

(2) The following documents:

- (a) A map showing the location of the facility;
- (b) A diagram of the facility depicting site boundaries and the location of all structures and components of the facility; and
- (c) A copy of the application to Ohio EPA for a permit to install, if an application has been prepared for the construction, enlargement, or modification.

(D) Construction, enlargement, or modification of a solid waste facility shall conform to the information and documents submitted to and approved by the Board of Directors.

**Rule # NCO-02**  
(Enacted in 1996)

A rule governing the solid waste collection system within the Solid Waste District as authorized by Ohio Revised Code 9343.01 (G)(2), and the Solid Waste District's approved Plan, establishing an administrative procedure for refunding erroneously collected generation fees which have been forwarded to the District.

(A) As used in this rule:

- (1) "Collection Agent" means any entity receiving solid waste from a generator located within the Solid Waste District for collection, transport, transfer, and/or disposal. Solid Waste from any generator may have more than one collection agent as there may be subsequent transfer of the waste as well as the fees imposed on the waste;
- (2) "Disposal Facility" has the same meaning as defined by the Ohio Administrative Code;
- (3) "Generation Fee" has the same meaning as defined by the Ohio Administrative Code;
- (4) "Grace Period" means the period of time after the payment of generation fee (the Solid Waste District) during which the final collection agent (facility operator or owner) may request refunds; acting as the agent of the generator or the generator's collection service provider;
- (5) "Solid Waste" has the same meaning as defined by Ohio Administrative Code;
- (6) "Solid Waste District" has the same meaning as defined by Ohio Administrative Code;
- (7) "Transfer Station" has the same meaning as defined by Ohio Administrative Code;

- (B) After January 1, 1997, no person, partnership, corporation, firm, governmental body, or other legal entity, who have collected generation fees from solid waste generators within the North Central Ohio Solid Waste District; or from the generator's collection entity, transfer station operator, or other service providers for disposal facilities outside of the Solid Waste District, shall be granted a request to investigate; and refund fees remitted to the Solid Waste

District for erroneous fee payment(s), unless the request has been received by the Solid Waste District within 90 calendar day "grace period" after the payment of the fees in question, except as provided in Paragraphs "E", "F", and "G" below.

- (C) All requests to the Solid Waste District for the return of erroneously-paid generation fees shall be made by the collection agent which originally remitted the erroneous fees to the Solid Waste District (transfer station or disposal facility operator/owner). All requests shall be made in writing, and accompanied by relevant documentation, in sufficient form and quantity to facilitate the Solid Waste District's determination of the appropriateness of the requested refund. All requests and documentation that the fee in question have been (or will be) returned to the appropriate generator;
- (D) All requests for refunds shall be submitted to the Solid Waste District Office for processing. The Board of Directors for the Solid Waste District, or their designee, shall approve (or disapprove) all refunds within 90 days of the receipt of such a request. Repayment of erroneously-paid fees shall occur within 14 calendar days of the approval of such an action;
- (E) The grace period shall begin in the statutorily-defined date due for payment to the Solid Waste District of generation fees collected during the month in question, regardless of whether the actual payment has been received by the Solid Waste District on or before the prescribed date;
- (F) Requests for refunds of erroneously-paid fees for which no Solid Waste District generator is involved; but the Solid Waste District received the revenue, should be directed to the Director of the Ohio EPA who is empowered to prescribe procedures for collecting and forwarding of fees. This Solid Waste District rule will be subordinate to the Director's instructions in such a matter.
- (G) Rule NCO-02 is subject to rulemaking authorities granted to Solid Waste Districts by the Ohio Legislature. Enforcement will occur to the degree relevant authority exists at the time a refund is requested.

**Rule # NCO-03**  
(Enacted in 2000)

**DUTIES OF THE PUBLIC**

- (A) Notification of Residents for New Service

It shall be the duty of any person residing at a residential address covered by the PAYT Program where the person did not previously have Kenton PAYT service, to notify the Kenton PAYT Customer Service Representative by telephone or in writing of the new service requirement.

(B) General Duty for Acceptable Waste and Recyclables

It shall be the duty of any person at all times to cause acceptable waste and recyclables generated at residential units covered by the PAYT Program to be properly contained for collection by the District's authorized commercial hauler.

(C) Placement and Removal of Containers

Residents covered by the PAYT Program shall place properly containerized, acceptable waste and recycling container at their assigned point of collection not more than 12 hours prior to the scheduled collection time and shall remove any unacceptable waste and the recycling container from the assigned point of collection within 24 hours of collection.

**Rule # NCO-04**

(Enacted in 2000)

PROHIBITED ACTIVITIES

(A) Scavenging

No person shall remove any acceptable recyclable material set out for collection by the authorized commercial hauler of the PAYT Program under contract with the District, unless authorized to do so by the District or the authorized commercial hauler.

(B) Use of Containers

Recycling containers, assigned to each residential property covered by the PAYT Program, and distributed by the District or its authorized commercial hauler, remains the property of the District. The authorized use of each recycling container is limited to those residing at the assigned address. Any other use is prohibited.

**Rule # NCO-05**

(Enacted in 2000)

PENALTIES

Whoever violates any rule of the District enacted under Division (G) (2) of

Section 343.01 of the Ohio Revised Code shall be fined not more than five thousand dollars (\$5,000).

**Rule # NCO-06**

(Enacted in 2000)

USE OF SOLID WASTE AND RECYCLING SERVICES PROVIDED BY THE DISTRICT

All residential units located in the City of Kenton, Ohio that generate solid waste or recyclable materials shall utilize the services provided by the District for the collection, transportation, processing, or disposal of solid waste and recyclable materials.

**Rule # NCO-07**

(Enacted in 2000)

ANTI-SCAVENGING

All solid waste and recyclable materials generated by a residential unit located in the City of Kenton, Ohio, and which is set out at the curbside or similar location for pick-up, shall be conclusively presumed to be unwanted and abandoned by the generator, and subject to the exclusive authority of the District or its authorized contractors to collect, transport, process or dispose of such solid waste and recyclable materials. No person other than the District or its authorized contractors shall collect, transport, process or dispose such solid waste or recyclable materials.

**Rule # NCO-08**

(Enacted in 2000)

DEFINITIONS

“Residential unit” means a single-family dwelling, house, apartment, mobile home or trailer, as well as multi-family dwellings consisting of two, three or four dwelling units or apartments grouped under a common roof.

“District” means the North Central Ohio Solid Waste Management District, a joint solid waste management district established and maintained pursuant to Chapter 343 of the Ohio Revised Code, and which maintains its administrative offices at 815 Shawnee Road, Suite D, Lima, Ohio, 45805.

“Solid waste” means non-hazardous, unwanted household waste generated at a residential unit, and shall be interpreted consistent with the provisions of Chapters 3745-27 and 3745-37 of the Ohio Administrative

Code.

“Recyclable materials” means the materials contained in solid waste that may be reconstituted into useable commodities, and which have been separated from solid waste and placed into a marked District recycling container for pick-up.

### **Rule Making Authority - ORC 343.01**

The solid waste management plan provides the authority to the Board of Directors to adopt, publish, and enforce all of the rule-making powers authorized by Ohio Revised Code 343.01, Divisions (G)(1), (G)(2), (G)(3) and (G)(4) including the following:

#### **ORC 343.01(G)(1)**

To the extent authorized by the solid waste management plan of the district approved under section 3734.521 or 3734.55 of the Revised Code or subsequent amended plans of the district approved under section 3734.521 or 3734.56 of the Revised Code, the board of county commissioners of a county district or board of directors of a joint district may adopt, publish, and enforce rules doing any of the following:

- (1) Prohibiting or limiting the receipt of solid wastes generated outside the district or outside a service area prescribed in the solid waste management plan or amended plan, at facilities covered by the plan, consistent with the projections contained in the plan or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code, except that the director of environmental protection may issue an order modifying a rule adopted under division (G)(1) of this section to allow the disposal in the district of solid wastes from another county or joint solid waste management district if all of the following apply:
  - (a) The district in which the wastes were generated does not have sufficient capacity to dispose of solid wastes generated within it for six months following the date of the director’s order;
  - (b) No new solid waste facilities will begin operation during those six months in the district in which the wastes were generated and, despite good faith efforts to do so, it is impossible to site new solid waste facilities within the district because of its high population density;
  - (c) The district in which the wastes were generated has made good faith efforts to negotiate with other districts to incorporate its

disposal needs within those districts' solid waste management plans, including efforts to develop joint facilities authorized under section 343.02 of the Revised Code, and the efforts have been unsuccessful;

- (d) The district in which the wastes were generated has located a facility willing to accept the district's solid wastes for disposal within the receiving district;
- (e) The district in which the wastes were generated has demonstrated to the director that the conditions specified in divisions (G)(1)(a) to (d) of this section have been met;
- (f) The director finds that the issuance of the order will be consistent with the state solid waste management plan and that receipt of the out-of-district wastes will not limit the capacity of the receiving district to dispose of its in-district wastes to less than eight years. Any order issued under division (G)(1) of this section shall not become final until thirty days after it has been served by certified mail upon the county or joint solid waste management district that will receive the out-of-district wastes.

#### **ORC 343.01(G)(2)**

Governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within its district. The rules adopted under division (G)(2) of this section shall not establish design standards for solid waste facilities and shall be consistent with the solid waste provisions of Chapter 3734. of the Revised Code and the rules adopted under those provisions. The rules adopted under division (G)(2) of this section may prohibit any person, municipal corporation, township, or other political subdivision from constructing, enlarging, or modifying any solid waste facility until general plans and specifications for the proposed improvement have been submitted to and approved by the board of county commissioners or board of directors as complying with the solid waste management plan or amended plan of the district. The construction of such a facility shall be done under the supervision of the county sanitary engineer or, in the case of a joint district, a county sanitary engineer designated by the board of directors, and any person, municipal corporation, township, or other political subdivision proposing or constructing such improvements shall pay to the county or joint district all expenses incurred by the board in connection therewith. The sanitary engineer may enter upon any public or private property for the purpose of making surveys or examinations necessary for designing solid waste facilities or for supervising the construction, enlargement, modification, or operation of any such facilities. No person, municipal corporation,

township, or other political subdivision shall forbid or interfere with the sanitary engineer or his authorized assistants entering upon such property for that purpose. If actual damage is done to property by the making of the surveys and examinations, a board shall pay the reasonable value of that damage to the owner of the property damaged, and the cost shall be included in the financing of the improvement for which the surveys and examinations are made.

“Governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within its district. The rules adopted under division (G)(2) of this section shall not establish design standards and shall be consistent with the solid waste provisions of Chapter 3734. of the Revised Code and the rules adopted under those provisions. The rules adopted under division (G)(2) of this section may prohibit any person, municipal corporation, township, or other political subdivision from constructing, enlarging, or modifying any solid waste facility under general plans and specifications for the proposed improvement have been submitted to and approved by the Board of County Commissioners . . . as complying with solid waste management plan or amended plan of the District. The construction of such a facility . . .”

#### **ORC 343.01(G)(3)**

Governing the development and implementation of a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district’s solid waste management plan or amended plan. A board of county commissioners or board of directors or its authorized representative may enter upon the premises of any solid waste facility included in the district’s solid waste management plan or amended plan for the purpose of conducting the inspections required or authorized by the rules adopted under division (G)(3) of this section. No person, municipal corporation, township, or other political subdivision shall forbid or interfere with a board of county commissioners or directors or its authorized representative entering upon the premises of any such solid waste facility for that purpose.

#### **ORC 343.01(G)(4)**

Exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan or amended plan from compliance with any amendment to a township zoning resolution adopted under section 519.12 of the Revised Code or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a

permit required under division (A)(2)(a) of section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.

### **Rule Making Authority - ORC 3734.53**

The solid waste management plan provides the authority to the Board of Directors to adopt, publish, and enforce all of the rule-making powers authorized by Ohio Revised Code 3734.53, Division (C) including the following:

- (1) Prohibiting or limiting the receipt at facilities covered by the plan of solid wastes generated outside the district or outside a prescribed service area consistent with the projections under divisions (A)(6) and (7) of this section, except that the director of environmental protection may issue an order modifying a rule authorized to be adopted under division (C)(1) of this section to allow the disposal in the district of wastes from another county or joint solid waste management district if all of the following apply:
  - (a) The district in which the wastes were generated does not have sufficient capacity to dispose of solid wastes generated within it for six months following the date of the director's order;
  - (b) No new solid waste facilities will begin operation during those six months in the district in which the wastes were generated and, despite good faith efforts to do so, it is impossible to site new solid waste facilities within the district because of its high population density;
  - (c) The district in which the wastes were generated has made good faith efforts to negotiate with other districts to incorporate its disposal needs within those districts' solid waste management plans, including efforts to develop joint facilities authorized under section 343.02 of the Revised Code, and the efforts have been unsuccessful;
  - (d) The district in which the wastes were generated has located a facility willing to accept the district's solid wastes for disposal within the receiving district;
  - (e) The district in which the wastes were generated has demonstrated to the director that the conditions specified in divisions (C)(1)(a) to (d) of this section have been met;
  - (f) The director finds that the issuance of the order will be consistent with the state solid waste management plan and that

receipt of the out-of-district wastes will not limit the capacity of the receiving district to dispose of its in-district wastes to less than eight years. Any order issued under division (C)(1) of this section shall not become final until thirty days after it has been served by certified mail upon the county or joint solid waste management district that will receive the out-of-district wastes.

- (2) Governing the maintenance, protection, and use of solid waste collection, storage, disposal, transfer, recycling, processing, and resource recovery facilities within the district and requiring the submission of general plans and specifications for the construction, enlargement, or modification of any such facility to the board of county commissioners or board of directors of the district for review and approval as complying with the plan or amended plan of the district;
- (3) Governing development and implementation of a program for the inspection of solid wastes generated outside the boundaries of the state that are being disposed of at solid waste facilities included in the district's plan;
- (4) Exempting the owner or operator of any existing or proposed solid waste facility provided for in the plan from compliance with any amendment to a township zoning resolution adopted under section 519.12 of the Revised Code or to a county rural zoning resolution adopted under section 303.12 of the Revised Code that rezoned or redistricted the parcel or parcels upon which the facility is to be constructed or modified and that became effective within two years prior to the filing of an application for a permit required under division (A)(2)(a) of section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.

### **C. Rule Approval Process**

Proposed rules shall follow the steps presented below prior to final approval by the Board of Directors.

1. Public Notice of the solid waste management rules in the Lima News – Lima, Daily Citizen – Urbana, Kenton Times – Kenton, Madison Press – London, Sidney Daily News – Sidney and Journal Tribune - Marysville. The District may opt to include the public notice on their website, social media and other publications at their discretion.
2. Thirty-day public comment period of the proposed rules.
3. If requested by public interest in the rules, a public hearing on the

proposed rules shall be conducted. Public interest will be determined by the District Director with input from the Policy Committee and Board of Directors.

4. Rule adoption at a Board of Directors meeting.