



North Central Ohio Solid Waste District

Serving Allen, Champaign, Hardin, Madison, Shelby and Union Counties

Suite D • 815 Shawnee Road • Lima, Ohio 45805
419/228-8278 • 800/553-6763 • FAX 419/229-2156
www.ncowaste.org

September 18, 2020

Dear Solid Waste Facility Owner or Operator:

The North Central Ohio Solid Waste District (NCOSWD) consisting of Allen, Champaign, Hardin, Madison, Shelby and Union Counties in Ohio, is in the process of establishing solid waste facility designations pursuant to Sections 343.01(I)(2) and 343.014 of the Ohio Revised Code. Part of the process involves NCOSWD's identification of solid waste landfills and solid waste transfer stations that request to be designated. Pursuant to O.R.C. 343.01(I)(2), only solid waste facilities that have been designated by NCOSWD will be authorized to receive solid waste generated within NCOSWD. Non-designated facilities will be prohibited from receiving solid waste and subject to monetary penalties of up to \$5,000 per day for each day of violation under O.R.C. 343.99.

Attached are the following documents that explain NCOSWD's facility designation requirements and allow your facility to submit a request to be designated by NCOSWD.

- A. Notice of Invitation for Designation Invitation.
- B. Request for Designation.
- C. Designation Agreement.
- D. NCOSWD Resolution Authorizing Preliminary Designation approved Sept. 17, 2020

The NCOSWD anticipates that all solid waste landfills and transfer stations that submit a Request for Designation to NCOSWD will be approved to become a designated facility for the District. The NCOSWD respectfully asks that completed Requests for Designation be returned to NCOSWD on or before October 9, 2020. Please direct any questions you may have to the undersigned.

Sincerely yours,

A handwritten signature in black ink that reads 'Jack Dewitt'.

Jack Dewitt, Executive Director
North Central Ohio Solid Waste District



LEGAL NOTICE

**BOARD OF DIRECTORS OF THE NORTH CENTRAL OHIO
SOLID WASTE DISTRICT**

INVITATION FOR DESIGNATION

Requests for Designation are invited from solid waste disposal and transfer facilities by the Board of Directors (the "Board") of the North Central Ohio Solid Waste District ("NCOSWD" or the "District"). The Board proposes to designate one or more solid waste facilities that will be authorized to accept solid waste generated within the District for solid waste disposal or transfer. All facilities selected for designation shall be required to enter into a Designation Agreement that requires the designated facility to collect and remit to NCOSWD a contract fee in the amount of \$6.00 per ton on each ton of solid waste generated in the District that is delivered to or disposed at the designated facility. A copy of the standard form of Designation Agreement may be obtained from NCOSWD on request, and may also be viewed at <https://www.ncowaste.org/facilitydesignations.html>. All Requests for Designation submitted in response to this Invitation for Designation must be received by the District at the address provided below, not later than 4:00 p.m. prevailing time on October 9, 2020. Requests for Designation must be submitted on the form provided by NCOSWD on its website and must contain the name of each person or company interested therein.

Copies of the Invitation for Designation, Request for Designation, and Designation Agreement may be obtained from Mr. Jack DeWitt, Executive Director, North Central Ohio Solid Waste District, 815 Shawnee Road, Suite D, Lima, Ohio 45805. NCOSWD reserves the right to reject any Request for Designation in whole or in part; to waive any and all informalities or irregularities in any Request for Designation; to designate any facility on the basis of any factors which the Board, in its sole discretion, deems to be appropriate, whether or not such factors are stated in the Board's Resolution of Preliminary Designation, this Invitation for Designation, the Designation Agreement, or the Request For Designation; and to negotiate contract terms with the designee(s).

Mr. Jack DeWitt, Executive Director,
North Central Ohio Solid Waste District

PLEASE SIGN & SEND BACK IN ENCLOSED SELF-ADDRESSED ENVELOPE BY OCTOBER 9, 2020

REQUEST FOR DESIGNATION

In response to the Invitation for Designation of Solid Waste Facilities to receive solid waste generated in the North Central Ohio Solid Waste District (“NCOSWD” or the “District”), the owner or operator of the following solid waste disposal or transfer facility requests designation of the facility pursuant to Ohio Revised Code Section 343.014 authorizing such facility to receive solid waste generated in the District:

Name of Owner or Operator: _____

Address: _____

Name of Facility: _____

Type of Facility: _____
(e.g., sanitary landfill, solid waste transfer station, etc.)

Address: _____

In submitting this Request for Designation, the Owner or Operator represents that he has examined the complete Invitation for Designation and Designation Agreement; that he has familiarized himself with NCOSWD’s approved solid waste management plan; that he has familiarized himself with the legal requirements (federal, state and local laws, ordinances, rules and regulations); and that he has made such independent investigations as he deems necessary.

The Owner or Operator also represents the solid waste facility identified above is a licensed and permitted solid waste disposal or transfer facility in substantial compliance with all applicable federal, state and local laws and regulations with adequate capacity to accept solid waste generated within NCOSWD.

The Owner or Operator acknowledges that in the event the Board determines this Request for Designation meets the requirements of the Invitation for Designation, and the Board determines in its sole discretion to designate the solid waste facility identified above, the Owner or Operator must enter into a Designation Agreement whereby the Board will be paid a contract fee of \$6.00 per ton for each ton of solid waste generated within NCOSWD received at the Owner’s or Operator’s facility in consideration for the Board’s designation of such facility.

By: _____

Title: _____

Date: _____, 2020.

DESIGNATION AGREEMENT

THIS AGREEMENT made and entered into as of the ____ day of _____, 2020, by and between the Board of Directors (the "Board") of the North Central Ohio Solid Waste District ("NCOSWD" or the "District"), organized and existing under the Constitution and laws of the State of Ohio, with offices located at 815 Shawnee Road, Suite D, Lima, Ohio 45805 and, _____, whose mailing address is _____ (the "Contractor").

WHEREAS, NCOSWD is a solid waste management district established pursuant to Chapter 343 of the Ohio Revised Code (O.R.C.) for the purposes of preparing, adopting, and implementing a solid waste management plan, and providing for the safe and sanitary management of solid wastes within all of the incorporated and unincorporated territory of the District; and

WHEREAS, NCOSWD's amended Solid Waste Management Plan was approved by the Director of Ohio EPA on **June 21, 2017** (the "Plan"); and

WHEREAS, the Plan expressly authorizes the Board to designate facilities pursuant to O.R.C. Sections 343.01(I)(2), 343.013, 343.014 and 3734.53(E); and

WHEREAS, NCOSWD intends to invite any solid waste disposal or transfer facility that timely submits a request to be designated to the Board, to enter into a Designation Agreement authorizing the facility to receive solid waste generated within the District in accordance with the provisions of O.R.C. 343.01(I)(2), NCOSWD's Plan and rules, and this Designation Agreement; and

WHEREAS, the Contractor owns and operates a solid waste facility located at _____ (the "Solid Waste Facility"), which the Contractor desires to make available for the disposal or transfer of solid waste generated within the District.

NOW, THEREFORE, in consideration of the promises and mutual covenants contained herein, the parties fully incorporate the foregoing recitals herein, and further agree as follows:

Section 1. The Board designates the Solid Waste Facility pursuant to the Plan and Sections 343.01(I)(2) and 343.014 of the Ohio Revised Code as a solid waste facility authorized to receive solid waste generated within the District for disposal or transfer. It is the understanding of the parties hereto that:

- A. Pursuant to Section 343.01(I)(2) of the Ohio Revised Code, solid waste generated within the District may be delivered only to a solid waste disposal or transfer facility designated by the Board unless a waiver has been granted by the Board.
- B. In addition to the Solid Waste Facility, the Board may designate other solid

waste disposal or transfer facilities to receive solid waste generated within the District; and

- C. The Board and the District do not intend to require any person, municipal corporation, township, or other political subdivision located within NCOSWD, to deliver, or cause to be delivered, any solid waste to any particular designated solid waste facility.

Section 2. The Contractor shall not discriminate against solid waste generated within the District with respect to the posted rates charged by the Solid Waste Facility (exclusive of all State, Local and Solid Waste District Fees, and any future government applied taxes, surcharges, Solid Waste District Fees and host community fees) for the disposal, transfer or processing of solid waste received at the Solid Waste Facility.

Section 3. The Contractor agrees to pay to NCOSWD a monthly Designation Fee of Six and 00/100 Dollars per ton (\$6.00/ton) for each ton of solid waste generated within the District delivered to the Solid Waste Facility as the point of first delivery after the solid waste is removed from the generator's premises. Beginning in the month following the Commencement Date, as defined in Section 4, below, the Contractor shall forward to NCOSWD each month, on or before, the twentieth day of the month, the amount of the Designation Fees to be paid on the tonnage of solid waste generated within the District that the Solid Waste Facility received during the preceding month. If the Solid Waste Facility does not have weight scales for measuring the amount of solid waste delivered to the Solid Waste Facility, the amount of Designation Fees to be paid by the contractor shall be computed on the basis of three (3) cubic yards equals one (1) ton of solid waste. NCOSWD shall have the right to increase or decrease the amount of the Designation Fee payable hereunder; provided, however, that any such increase or decrease of the Designation Fee shall be applied uniformly to all solid waste facilities designated by the Board. NCOSWD shall provide Contractor with at least thirty (30) days advance written notice before an increase or decrease of the Designation Fee goes into effect.

Section 4. The Commencement Date shall be the sixtieth (60th) day following the Board's adoption of the resolution of final designation pursuant to O.R.C. 343.014(G). NCOSWD shall provide Contractor written notice of the Commencement Date within ten (10) days following the Board's adoption of the resolution of final designation.

Section 5. For purposes of this Designation Agreement, "solid waste" shall have the same meaning as Section 3734.01(E), including but not limited to, automotive shredder residue, pulverized construction and demolition debris, petroleum contaminated soil, and drilling waste that is acceptable for disposal as solid waste.

Section 6. The Contractor shall forward to NCOSWD a fully completed Designation Fee Certification Statement, a copy of which is attached hereto as Appendix A and fully incorporated herein by reference, at the same time the Contractor forwards payment of the Designation Fee.

Section 7. The Contractor shall operate and maintain the Solid Waste Facility in

compliance with state and federal environmental regulations applicable to the site where the Solid Waste Facility is located.

Section 8. The Contractor shall permit representatives of District, at NCOSWD's sole expense, to inspect and obtain copies of daily log sheets that are maintained by the Solid Waste Facility for incoming and outgoing solid waste as required by Ohio EPA (or, if the facility is not located within Ohio, such other state and local environmental agencies having jurisdiction over the Solid Waste Facility). Any such inspection or copying requested by the District shall be conducted during the Solid Waste Facility's normal business hours and the District shall give the Contractor at least twenty-four (24) hours prior notice of any such inspection or copying. In the event that the District requests copies of daily log sheets, the Contractor agrees to make such copies available to the District within a reasonable time and may charge the District not more than ten cents (\$0.10) per page for providing the copies.

Section 9. In the event of the breach of this Agreement by the Contractor, the Contractor shall, upon written notice from NCOSWD describing the breach, promptly proceed to remedy the breach. In case such remedial action is not taken or not diligently pursued within thirty (30) days of such written notice, NCOSWD may at any time thereafter (regardless of whether the Contractor cures such breach following the expiration of the thirty (30) day cure period) terminate this Agreement and the Solid Waste Facility's status as a designated facility for the receipt of solid waste generated within the District. Nothing in this Agreement shall be construed to create a right to or remedy in money damages for NCOSWD based on any allegedly excessive disposal rate charged to any municipal corporation, township or other local political subdivision or agency or any individual, corporation, partnership, association or other entity that delivers solid waste to the Solid Waste Facility. NCOSWD and the Contractor shall also have the right to terminate this Agreement and the designation of the Solid Waste Facility for any reason or for no reason, upon providing ninety (90) days advance notice in writing to the other party.

Section 10. This Agreement shall become effective upon the Board's adoption of a resolution final designation pursuant to O.R.C. 343.014(G), and will terminate on December 31, 2030, unless terminated earlier pursuant to the terms provided herein. This Agreement may be extended for an additional five (5) years upon the mutual written consent of the District and the Contractor.

Section 11. This Agreement may be assigned by the Contractor to any successor in interest at the Solid Waste Facility with the consent of NCOSWD, which consent shall not be unreasonably withheld.

Section 12. Written notice required to be given under this Designation Agreement shall be sufficient if delivered personally or mailed by certified mail with return receipt requested with proper postage to Mr. Jack DeWitt, Executive Director, North Central Ohio Solid Waste District, 815 Shawnee Road, Suite D, Lima, Ohio 45805, and to _____ . Any change in address must be given in like manner.

Section 13. This Agreement represents the entire agreement of the parties as to its subject matter and supersedes all other prior written or oral understandings. This Agreement may be modified or amended only by a writing signed by both parties.

Section 14. No waiver, discharge, or renunciation of any claim or right of NCOSWD arising out of breach of this Agreement by the Contractor shall be effective unless in writing and signed by the Board.

Section 15. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Ohio.

Section 16. Nothing hereby shall be construed as creating any personal liability on the part of any officer or agent of the Board or NCOSWD.

Section 17. If any provision of this Agreement is in any way unenforceable, such provision shall be deemed stricken from this Agreement and the parties agree to remain bound by all remaining provisions. The parties agree to negotiate in good faith a replacement provision for any provision so stricken.

Section 18. This Agreement shall be binding upon and shall inure to the benefit of, and be enforceable by and against, the respective successors and assignees of each.

IN WITNESS WHEREOF, the parties have hereunto set their hands on this _____ day of _____, 2020.

**BOARD OF DIRECTORS OF THE
NORTH CENTRAL OHIO SOLID
WASTE DISTRICT**

CONTRACTOR (insert name)

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

NORTH CENTRAL OHIO SOLID WASTE DISTRICT

Designation Fee Submittal Form

For the month of _____ in the year _____

Facility: _____ Phone No. _____

Address: _____ Fax No. _____

_____ Ohio I.D. No. _____

All waste generated in the NCO SWD is subject to a \$6 per ton designation fee.

<u>COUNTY</u>	<u>TONNAGE</u>	<u>\$ AMOUNT</u>
ALLEN	_____	@ \$6 per ton _____
CHAMPAIGN	_____	@ \$6 per ton _____
HARDIN	_____	@ \$6 per ton _____
MADISON	_____	@ \$6 per ton _____
SHELBY	_____	@ \$6 per ton _____
UNION	_____	@ \$6 per ton _____
TOTAL TONNAGE	_____	\$ AMOUNT SUBMITTED _____

Make check payable to: **ALLEN COUNTY TREASURER**
Please mail to: NCO Solid Waste District
815 Shawnee Road, Suite D
Lima, OH 45805

I hereby certify that the above statements are true and correct.

Authorized Signature

Printed Name & Title

Date

Subscribed and Sworn before me this
_____ day of _____ 20____

Notary Public

NORTH CENTRAL OHIO
Solid Waste District

Resolution No. 19-2020

Re: Authorizing Preliminary Designation Pursuant to O.R.C. § 343.014

The Board of Directors of the North Central Ohio Solid Waste District (NCOSWD), pursuant to Am. Sub. House Bill 197 and proper public notice, met in open special session on Thursday September 17, 2020 at 10:00 a.m. at NCO Solid Waste District, 815 Shawnee Rd., Suite D, Lima and via teleconference with 13 members present.

Roger Crowe moved the adoption of the following RESOLUTION:

WHEREAS, NCOSWD's Solid Waste Management Plan was approved by the Director of Ohio EPA on June 21, 2017 (the "Plan"); and

WHEREAS, pursuant to Sections 343.01(I)(2), 343.013, 343.014 and 3734.53(E) of the Ohio Revised Code, the Plan authorizes the NCOSWD Board to designate solid waste facilities to which all solid waste generated within the District must be delivered for transfer or disposal; and

WHEREAS, pursuant to Section 343.014 of the Ohio Revised Code, the Board adopted a resolution of intent to designate solid waste facilities on July 22, 2020 and, on August 26, 2020, the Board conducted a public hearing on said resolution pursuant to notice provided in accordance with Section 343.014; and

WHEREAS, three members of the public attended the public hearing, and only one of the attendees made statements to the Board, and the substance of the statements was to ask for information regarding the designation process, and no objections were stated to the Board's July 22, 2020 resolution; and

WHEREAS, having considered the statements made during the public hearing, the Board believes it is in the best interest of NCOSWD to proceed with the proposed designation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the North Central Ohio Solid Waste District as follows:

1. Pursuant to Section 343.014(D) of the Ohio Revised Code, the Board hereby proceeds with preliminary designation and approves the attached Invitation for Designation, Designation Agreement, and Request for Designation, for the purpose of identifying solid waste disposal and transfer facilities to which the Board will consider granting final designation; and
2. The Board determines the contract fee payable to the NCOSWD for the receipt of solid waste generated within NCOSWD, pursuant to the Designation Agreement, shall be \$6.00 per ton; and

3. The Board reserves the right to: (a) reject any and all Requests for Designation submitted in response to the Invitation for Designation; (b) to waive any or all irregularities or informalities in the Requests for Designation; (c) to select the solid waste facility or facilities to be designated on the basis of negotiations regarding the qualifications of the solid waste disposal and transfer facilities that request designation; and (d) to utilize any other appropriate means in addition to or instead of the Invitation for Designation for purposes of selecting the facility or facilities to be designated; and "

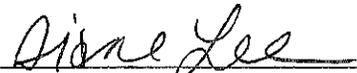
4. NCOSWD's Executive Director shall cause public notice of the Invitation for Designation to be published on NCOSWD's website and in one or more newspapers published in NCOSWD; and

5. The Board determines this Resolution was adopted at an open meeting conducted in accordance with Ohio's Sunshine Law, Section 121.22 of the Ohio Revised Code as modified by Am. Sub. House Bill 197.

Tony Bornhorst seconded the motion.

Vote was taken and resulted as follows: NCOSWD Board of Directors: 13 YES 0 NO

Certified by:



Diane Lee
Administrative Assistant