

Appendix Q

Rules [Authorized by ORC Section 3734.53 (C)]

A. Existing Rules

1. History of District Rules

The Darke County Commissioners acting in their capacity as the Darke County Solid Waste District Board of Directors adopted the first rules for the District in 1993. The District replaced the original rules with new rules adopted on November 8, 1996. The 1996 rules have been amended on several occasions. The last amendment to the Darke County Solid Waste Management District Rules and Regulations was approved and signed by the Darke County Commissioners (acting in their capacity as the District Board of Directors) on November 9, 2005. A copy of the existing rules is included below. The District Plan reserves for the Board of Directors the power to make and enforce rules to the fullest extent authorized by Ohio law. Therefore, the District is authorized to adopt, publish and enforce rules doing any of the following:

1. Prohibiting or limiting the receipt of solid waste 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.
2. Governing the maintenance, protection, and use of solid waste collection or other solid waste facilities located within the district.
3. Governing the development and implementation of a program for the inspection of solid waste 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.
4. Exempting the owner or operator of any existing or proposed solid waste facility provided for the plan or amended plan from compliance with any amendments to a township zoning resolution. A copy of the current rules is included in this Appendix.

2. Existing Rules

The existing rules are included in the Appendix following page Q-2.

B. Proposed Rules

The District has not proposed any new rules at this time. However, after this updated plan has been approved by the Director of the Ohio Environmental Protection Agency, the Darke County Solid Waste Management District may, as the District deems appropriate, amend, or rescind the existing rules or may adopt any additional rules that are necessary to implement the ratified and approved Solid Waste Management Plan.

C. Procedures

The District Board of Directors will use the following procedures for the adoption of rules:

1. The District will draft rules as needed.
2. Upon completion, the Board will mail copies of the rules to the Darke County Solid Waste Management District Policy Committee and other interested parties.
3. The Board will issue a public notice announcing the availability of the rules for review in the newspaper of greatest circulation in the county. The notice will include the date by which comments on the rules must be received and the dates, times and location of public Darke County Solid Waste Management Plan Update 2015 I-3 hearings on the rules. The public comment period on the rules will extend at least thirty days from the date of the public notice.
4. The Board will hold at least one public hearing on the proposed rule or rules.
5. After the hearing/s and public comment, the Board will revise the proposed rules as necessary. If the Board determines that significant revisions have occurred, the Board will hold another public hearing.
6. The Board will adopt the rules following any revisions at a regular meeting or a special meeting designated for rule adoption. Rules will be adopted by resolution approved by a majority of the quorum of the Board.
7. Upon adoption, a copy of the rules will be mailed to the Ohio Environmental Protection Agency. The rules may be mailed to interested parties that have been identified during the comment and public hearing period.

DARKE COUNTY SOLID WASTE DISTRICT RULES AND REGULATIONS

October 25, 2005

WHEREAS, on April 22, 1982, the Board of Commissioners of the Darke County, Ohio (the "Board"), pursuant to O.R.C. 343.01 as amended effective June 24, 1988, by amended Sub. H.B. 592, established the Darke County Solid Waste Management District (the "Solid Waste District"); and

WHEREAS, Sections 343.01 (A) and 3734.52(A) the Solid Waste District is comprised of all incorporated and unincorporated territory within Darke County, Ohio, for the purpose of preparing, adopting, submitting and implementing the Darke County Solid Waste Management Plan, ("Plan") and for the purpose of providing for, or causing to be provided for, the safe and sanitary management of solid waste within the Solid Waste District; and

WHEREAS, the Board has determined that the Solid Waste District must provide for, or cause to be provided for, the diligent supervision, maintenance and protection of the solid waste collection system and solid waste facilities within the Solid Waste District, and regulation of the use thereof, in order to assure the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the Solid Waste District and to assure that the Plan is properly implemented; and

WHEREAS, the Board has determined that the Solid Waste District's supervision, maintenance, and protection of the solid waste collection system and solid waste facilities within the Solid Waste District and regulation of the use thereof, can be more effectively and satisfactorily exercised when solid waste that is generated and intended for disposal within the Solid Waste District is required to be taken to the thirteen (13) designated solid waste facilities as the only solid waste facilities under contract with the Board for the disposal or transfer for disposal of solid waste generated within the Solid Waste District; and

WHEREAS, the Board has determined that in order for the Solid Waste District to effectively maintain, protect, monitor and control the manner of use of solid waste collection, storage, processing, transfer, disposal and resource recovery within the Solid Waste District, it is necessary for the Solid Waste District to obtain information regarding the quantity and type of materials being generated, collected, stored, transferred, processed and disposed of within the Solid Waste District from persons that conduct such activities within the Solid Waste District; and

WHEREAS, the Board has determined that to protect the public health and welfare by preventing unsanitary, unsafe, improper, unsupervised or poorly managed collection, storage, transfer, processing and disposal of solid waste within the Solid Waste District, it is necessary to require the collection, storage, transfer, processing and disposal of solid waste generated within the Solid Waste District to conform to uniform rules and regulations; and

WHEREAS, the following rules and regulations are authorized by the Revised Code and the Plan, and the Board has determined that such rules and regulations are necessary to provide for the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the Solid Waste District, and to protect the public health and welfare as assure proper implementation of the Plan:

IT HAS BEEN RESOLVED, by the Board of Commissioners of Darke County, Ohio, that the following Rules be, and the same hereby are adopted:

THE DARKE COUNTY SOLID WASTE DISTRICT
RULE NUMBER 1-96
DEFINITIONS

As used in the rules adopted by the Darke County Solid Waste Management District:

(A) Acceptable Waste means that portion of solid waste that is disposed of by the persons and entities located within the Solid Waste District which is appropriate for Processing at a designated Solid Waste Facility, but does not include any Separated Recyclable Materials, Separated Yard Waste, Construction and Demolition Debris, or Unacceptable Waste. If any governmental agency or unit having the appropriate jurisdiction determines that substances which are not, as of the date of this rule, considered harmful, toxic, or dangerous, are in fact harmful toxic or dangerous or are hazardous or harmful to health, then any such substances or materials shall thereupon constitute Hazardous Waste or Unacceptable Waste for purposes of this rule.

(B) Board means the Board of County Commissioners of Darke County, Ohio.

(C) Collection or Collect means the removal, conveyance or transportation of Solid Waste.

(D) Commercial Hauler means any person who engages in collection of Solid Waste as a for-profit business activity and subject to registration by regulations of the Darke County General Health District.

(E) Composting means the controlled biological decomposition of organic solid wastes including, but not limited to, Separated Yard Waste, under predominately aerobic conditions, and which stabilizes the organic fraction of a material. Fermentation and/or putrefaction, the decomposition under predominantly anaerobic conditions resulting in the production of leachate and odor, is not composting.

(F) Construction and Demolition Debris means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. Construction and Demolition Debris does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.

(G) Designated Solid Waste Facility shall mean any Solid Waste Facility designated in the Plan or hereafter designated pursuant to Sections 343.013, 343.014 or 343.015 of the Revised Code. The designated solid waste facility of the Solid Waste District, as of the date of this rule are:

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| 1. Celina Sanitary Landfill (Countryside)
6141 Depweg Road, Celina, OH 45822 | 4. Rumpke Sanitary Landfill
10795 Hughes Road, Cincinnati, OH 45251 |
| 2. Cherokee Run Landfill
2946 US Route 68, N., Bellfontaine, OH 43311 | 5. Rumpke's Greenville Transfer Station
5474 Jaysville/St. Johns Rd.
Greenville, OH 45331 |
| 3. Randolph Farms, Inc. Sanitary Landfill
(Best Way) 7256 West C.R. 600 South Modoc,
IN 47358 | 6. Rumpke Richmond Transfer Station
275 Ft. Wayne Ave., Richmond, IN 47374 |

7. Montgomery County Transfer Station
2550 Sandridge Drive, Dayton, OH 45419

8. Waste Management's Koogler Transfer
Station, 1700 North Broad St., Fairborn, OH
45324

9. Waste Management's Lima Transfer Station,
1555 Buckeye Rd., Lima, OH 45802

10. Waste Management's Stoney Hollow (RDF)
Landfill, 2460 South Gettysburg Ave., Dayton,
OH 45418

11. Miami County Transfer Station
2200 N. CR. 25-a, Troy, OH 45373

12. Preble County Sanitary Landfill
4239 US 127 South, Eaton, OH 45320

13. Hemmelgarn Services, Inc.
Shelby County Transfer Station
1604 Riverside Drive, Shelby, OH 45365

14. Maharg, Inc. Transfer Station
3726 Monroe Road, P.O. Box 510
Celina, OH 45822

(H) "Solid Waste District" means the Darke County Solid Waste Management District with its principal offices located at 115 West Fourth Street, Suite 1, Greenville, Ohio, 45331.

(I) "Hazardous Waste" means any waste which, by reason of its listing, composition or characteristics is a hazardous waste (as defined in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended (including, but not limited to, amendments thereto made by the Solid Waste Disposal Act Amendments of 1980) and related federal, state and local laws and regulations, or in any additional or substitute federal, state or local laws and regulations pertaining to the identification, treatment, storage or disposal of toxic substances or hazardous wastes as any of the foregoing is from time-to-time amended or replaced.

(J) "Person" includes the state, any political subdivision of the state or other state or local body, the United States and any agency or instrumentality thereof, and any legal entity or organization defined as a person under sections 1.59 and 3734.01 of the Revised Code.

(K) "Plan" means the Darke County Solid Waste Management Plan approved by the Director of the Ohio Environmental Protection Agency on April 4, 1996, and again on August 22, 2002, and as may from time-to-time be amended.

(L) "Process" means collection, sorting, cleansing, and treating of Acceptable Waste, that would otherwise be disposed in a Solid Waste Facility, for the purpose of recovering Recyclable Material and returning Recyclable Material into commerce.

(M) "Recyclable Material" means any material that is capable of being Processed at a recycling or material recovery facility, for which there is a resale market, and which is identified by the Solid Waste District in writing from time-to-time. Such materials typically include, but are not necessarily limited to, glass bottles and jars, paper, metal products and containers, plastics, fiber material and other similar materials.

(N) "Rule" means any rule promulgated, adopted and published by the Board, within its power to adopt rules reserved in the Plan, and authorized by Sections 343.01(G) and 3734.53(C) OF THE Ohio Revised Code, as now existing or hereafter amended.

(O) "Separated Recyclable Material" means a Recyclable Material which has been separated at the point of generation or at the point of collection from other Solid Waste, and includes, but is not limited to, the placement of Recyclable Material or Yard Waste in portable containers, compartments of portable containers, or vehicles dedicated to Separated Recyclables Material collection.

(P) "Solid Waste" means such unwanted residual solid or semisolid material as results from residential, industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. Solid Waste does not include any material that is an infectious waste or a Hazardous Waste.

(Q) "Solid Waste Facility" means any solid waste transfer facility, solid waste disposal facility, recycling facility, resource recovery facility, material recovery facility, yard waste composting facility, scrap tire facility, or construction and demolition debris facility.

(R) "Unacceptable Waste" means that portion of solid waste which is not permitted by the Solid Waste District or by applicable law to be delivered or disposed of at a Designated Solid Waste Facility as originally designed. Unacceptable waste also shall include medical waste, ashes, foundry sand, asbestos, sealed drums/barrels, white goods, motor vehicles (including such major motor vehicles parts as automobile transmissions, rear ends, springs and fenders), agricultural and farm machinery and equipment, marine vessels and major parts thereof, any other type of machinery or equipment, liquid wastes, or other wastes which have a reasonable possibility of adversely affecting the operation of the Solid Waste District's designated solid waste facility, unless such unacceptable waste is delivered in minimal quantities and concentrations as a part of normal collections in which case it shall constitute Acceptable Waste. Any source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and related regulations; or any other material posing a threat to health or safety, including, without limitation, infectious waste, pathological or biological wastes, septic, cesspool or other human wastes, human and animal remains, cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, explosives and drugs shall be included in this definition as Unacceptable Waste.

(S) "Separated Yard Waste" means Solid Waste That includes only leaves, grass clippings, brush, garden waste, tree trunks, holiday trees, tree trimmings, and/or prunings, and that has been separated at the point of generation or at the point of collection from other Solid Wastes.

(T) "Commercial Hauler" means any private person, firm, Corporation, association, or partnership that provides the regular or systematic collection and transportation of Solid Wastes and Recyclable Materials for compensation, utilizing Commercial Collection Vehicles for delivery to a facility for disposal, treatment, processing, and/or recycling. This definition includes, but is not limited to, private trash and garbage collection services, solid waste collection services and recyclables collection.

(U) "Solid Waste Collection Vehicles" means vehicles used for the collection and transportation of Solid Waste and/or Recyclable Materials, which shall have enclosed loads or suitable provisions for covering and securing the loads, unless all of the Solid Waste or Recyclable Materials are kept in watertight covered containers, and shall be within vehicles which are leak proof, of easily cleanable construction, and shall be cleaned at sufficiently frequency to prevent odor, nuisance, litter or insect breeding, and shall be maintained in good repair.

(V) "Commercial Solid Waste Collection Vehicles" Means vehicles operated by Commercial Haulers, which shall, in addition to meeting the requirements set forth in Definition (U), Shall (1) be approved, licensed and inspected by the Darke County General Health District, shall (2) operate in accordance with the Rules and Regulations set forth by the Darke County Solid Waste District and the District Plan, and shall (3) be designed and constructed specifically for Solid Waste Collection, such as packer-type trucks, compaction-type trucks, rear-end loaders, front-end loaders, side-end loaders, side-end arm loaders, roll off, etc. The only exception to Section (3) of this rule would be during a special collection of a specific material or materials such as large furniture or large appliances, where the material or materials being hauled would not fit into vehicles specifically designed for Solid Waste Collection. In this case, the material or materials must be firmly secured, tarpred or covered to prevent endangerment to human health and to the environment, and must be of such nature as to preclude leakage, spillage of liquid or solid waste from the vehicle being used to collect it.

(W) "Contractor" means the owner or operator of any Solid Waste Facility which has entered into a Designation Agreement with The Solid Waste District.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 2-96
CONSTRUCTION OR IMPROVEMENT OF SOLID WASTE FACILITIES**

No Person shall construct, enlarge or modify any Solid Waste Facility, until general plans and specifications for the proposed improvement have been submitted to and approved by the Board as complying with the Plan. In evaluating whether such plans and specifications comply with the Plan, the Board shall consider the facility's compliance or prospective compliance with every part of the Plan including, but not limited to, the implementation schedule, waste projections, management strategies, siting strategies, waste reduction, and finances. In conducting its evaluation, the Board may obtain such assistance as it deems necessary or appropriate including, but not limited to, the assistance of private consultants.

General plans and specifications shall be submitted to the Darke County Solid Waste Management District, attention: Solid Waste Coordinator, County Administration Building, 520 South Broadway, Greenville, Ohio, 45331. All such general plans and specifications shall be clearly marked as complying with the requirements of this Rule Number 2-96 and Section 343.01(G)(2) of the Revised Code.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 3-96
COMPLIANCE OF IMPROVEMENTS TO SOLID WASTE PLAN**

No Person shall construct, modify or enlarge any Solid Waste Facility that does not comply with the Plan.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 4-96
PROHIBITION ON DISPOSAL OF RECYCLABLE MATERIAL**

No Person shall incinerate or landfill Separated Recyclable Materials without the prior written consent of the Solid Waste District.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 5-96
AMENDED SEPTEMBER 22, 2004
PROHIBITION ON COMBINING RECYCLABLE MATERIAL WITH SOLID WASTE**

No Person shall combine Separated Recyclable Materials with Solid Waste that is intended for processing or landfilling without the prior consent of the Solid Waste District. No person shall throw Solid Waste, yard waste, brush, ash, Construction and Demolition Debris, Hazardous Waste or any other waste material not intended for recycling into any Solid Waste District sponsored portable containers, compartments or portable containers, vehicles, rear-end loaders or roll offs for the collection of Recyclable Materials.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 6-96
DELIVERY OF SOLID WASTE TO DESIGNATED FACILITIES**

No Person shall deliver Acceptable Waste to any Solid Waste Facility other than a Designated Solid Waste Facility except pursuant to a waiver granted to such Person by the Solid Waste District.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 7-96
WAIVER FROM DESIGNATION**

Any Person may request, in writing, that the Solid Waste District grant a waiver permitting the delivery of Solid Waste to a Solid Waste Facility other than a Designated Solid Waste Facility. All written waiver requests shall include such information and explanation as are required to demonstrate that the requested waiver, if granted, (1) is not inconsistent with the projections contained in the Plan and will not adversely affect the implementation and financing of the Plan as provided in the implementation schedule contained in the Plan; or (2) that the Solid Waste, which is the subject of the waiver request is exempt from delivery to a Designated Solid Waste Facility pursuant to applicable law or rules of the District. All such waiver requests shall be submitted to the Darke County Solid Waste Management District, attention: Solid Waste Coordinator, County Administration Building, 520 South Broadway, Greenville, Ohio, 45331. All such waiver requests shall be clearly marked as complying with the requirements of this Rule Number 7-96.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 8-96
COLLECTION OF SOLID WASTE**

No Person shall remove Solid Waste or Recyclable Materials from any Solid Waste Facility, or from any Solid Waste or Recyclable Material collection site including residential property unless that person is a Commercial Hauler, Contractor, or a Person transporting Solid Waste that was generated by that Person, or transporting Solid Waste on behalf of a generator of the Solid Waste without compensation to a Designated Solid Waste Facility in an appropriate Waste Collection Vehicle.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 9-96
ANNUAL REPORTS TO BE SUBMITTED BY
CONTRACTORS AND COMMERCIAL HAULERS**

Each Commercial Hauler that engages in collection activities within the Solid Waste District shall maintain a daily log of its collection activities that specifies the quantity of Solid Waste, Construction and Demolition Debris, and/or Separated Recyclable Material that was collected. A copy of the log shall be available for inspection by authorized representatives of the Solid Waste District during regular business hours. Each Commercial Hauler that engages in collection activities within the Solid Waste District shall submit to the Solid Waste District on or before February 1 of each year, an annual summary of its daily logs for January through December of the preceding year. A Commercial Hauler that maintains a daily log of operations pursuant to a rule promulgated by the Ohio Environmental Protection Agency, or the Darke County General Health District will be deemed to be in compliance with the requirement to maintain a daily log under this Rule.

Any Commercial Hauler accepting recyclable materials from within the District for the purposes of materials recovery, processing into materials for manufacturing purposes, reuse, or recycling in general, must also submit monthly, quarterly or annual reports to The District, upon The District's request, the amounts and tonnages of the recyclable materials collected and separated according to the description of Recyclable Materials named herein and where they are taken to be recovered, processed, recycled, remanufactured, or reused.

The Contractor of each Solid Waste Facility located within or without the Solid Waste District, which has been designated to accept solid waste generated within the District must enter into a Designation Agreement with the Solid Waste District, which includes but is not limited to paying the District's established Contractor Fee on all waste that is received at The Contractor's facility. Before the end of each calendar month, the contractor shall submit to the District a monthly certified Contract Fee Statement on a Form or Forms prescribed by the District, in which the Contractor shall separately identify the tonnage (expressed in tenths of a ton) of solid waste generated within the District that was delivered to The Contractor's Facility during the preceding calendar month, and the amount of the Contract Fee due on that tonnage. The Contractor shall forward payment to the District of the total amount of the Contract Fee identified in the monthly report at the same time the Contractor submits the monthly report to the District.

Any Contractor accepting recyclable materials from within the District for the purposes of materials recovery, processing into materials for manufacturing purposes, reuse, or recycling in general, must also submit monthly, quarterly, or annual reports to The District, upon The District's request, the amounts and tonnages of the recyclable materials collected and separated according to the Description of Recyclable Material named herein and where they were taken to be recovered, processed, recycled, remanufactured or reused.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 10-96
DISPOSAL OF SEPARATED YARD WASTE**

No Person shall dispose of Separated Yard Waste generated within the Solid Waste District in a Solid Waste Facility other than an indicated Solid Waste Facility registered by the Ohio Environmental Protection Agency as a Yard Waste composting facility.

This rule does not preclude separated Yard Waste that is generated on a residential premises from being used as compost by the owner or inhabitant of such premises in noncommercial gardening or horticultural activities that are conducted on the premises.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 11-96
PROHIBITION AGAINST TAMPERING OR DAMAGING FACILITIES**

No Person shall tamper with or damage any Solid Waste Facility located within the Solid Waste District or any appliance, appurtenance, accessory, or fixture used in conjunction with such facility.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE NUMBER 12-96
PENALTIES FOR VIOLATION OF RULES**

Any Person who violates rules 1,2,5,7,10, 11 shall be subject to a fine not to exceed five thousand dollars \$5000.00. Each separate act or violation shall constitute a separate offense. Each day of violation shall constitute a separate violation.

Any Person who violates rules 3,4,8, or 9 shall be subject to a fine not to exceed one thousand dollars \$1,000.00.

**DARKE COUNTY SOLID WASTE MANAGEMENT DISTRICT
RULE 13-96
SEVERABILITY**

If any provision, section or subsection of these Rules is held invalid, the other provisions of these Rules shall not be affected thereby and shall remain in full force and effect. If the application of these rules, or any section or subsection thereof, to any Persons or circumstances is held invalid, the application of these rules, or any section or subsection thereof, to other Persons or any section or subsection thereof, to other persons or circumstances shall not be affected thereby.

NOTE: The above stated Rules and Regulations was signed by the three Darke County Commissioners, Terry Haworth, Robert Downing, and Michael Rhoades, on November 9, 2005, and is on file at the office of the Darke County Commissioners.