

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

A. Existing 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 in Appendix I of this Plan.

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, under the existing plan, 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 Appendix I. As required by the Ohio Environmental Protection Agency's Plan Format for District Solid Waste Management Plans, a brief description of how these rules have complimented the District's Strategies and programs is included following each rule in Appendix I.

B. Proposed Rules

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.

Since changes may occur during the planning period, the District reserves for the Board of Directors the power to make and enforce rules to the fullest extent authorized by Ohio law.

The Ohio Revised Code, Section 343.01 (G) gives solid waste districts the authority to adopt, publish, and enforce rules 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.

This plan authorizes the Darke County Solid Waste Management District Board of Directors 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.

The complete text of Section 343.01 of the ORC is included at the end of this plan in Appendix I. Additional language in Section 343.01 (G) further defines the limits of the rules which may be promulgated in the four areas listed above.

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

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.